

JOURNAL

OF THE

SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA,

**OPENED AND HELD IN THE CITY OF TUSCALOOSA, ON THE FIRST
MONDAY IN DECEMBER, 1842**

**TUSCALOOSA:
PHELAN & HARRIS, PRINTERS.**

1843.

JOURNAL OF THE SENATE.

TUSCALOOSA, MONDAY, December 5th, 1842.

On the fifth day of December. A. D., one thousand eight hundred and forty-two, being the first Monday in said month, the day fixed by law for the annual meeting of the General Assembly of the State of Alabama at Tuscaloosa, the following members of the Senate, appeared in the Senate Chamber of the State Capitol and took their seats, to wit:

From the Senatorial District composed of the Counties of—

ARTAUGA and COOSA—Dixon Hall.

CHEEROKEE and DE KALB—Arthur Foster.

ST. CLAIR and JEFFERSON—Walker K. Baylor.

BLOUNT and MARSHALL—M. T. P. Brindley.

BARBOUR and RUSSELL—Jefferson Buford.

MACON and TALLAPOOSA—Samuel C. Dailey.

MORGAN and WALKER—Milton McClanahan.

FRANKLIN—Benjamin Hudson.

TUSCALOOSA—Dennis Dent.

SENTER—John Edmund Jones.

PICKENS—Peyton King.

LAUDERDALE—Hugh McVay.

DALLAS—William S. Phillips.

WILCOX—Walter R. Ross.

GREENE—H. I. Thornton.

MOBILE—Theophilus L. Toulmin.

BIBB—Daniel E. Watrous.

FAYETTE—Burr W. Wilson.

JACKSON—Thomas Wilson.

LAWRENCE—Hugh M. Rodgers.

On motion of Mr. McConnell,

Mr. Dent was called to the chair, and Gideon Frierson requested to act as Secretary *pro tem.*, whereupon the following Senators, to wit:

Asa Arrington, Gerard W. Creagh, Wm. Fleming, Felix G. McConnell, Wm. B. Moores, Samuel C. Oliver, Nathaniel Terry, Thomas A.

Walker, R. B. Walthall, and John Watkins, presented themselves, were severally qualified and took their seats.

On motion the Senate then proceeded to the election of a presiding officer.

The Honorable *Nathaniel Terry* of Limestone, alone being in nomination.

Those who voted for *Mr. Terry*, are Messrs Arrington, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hall, Hudson, Jones, King, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watkins, Watrous, Wilson of Fayette, and Wilson of Jackson.

Hon. *Nathaniel Terry*, having received a majority of the whole number of the votes cast, was by the chair declared duly and constitutionally elected President of the Senate.

Mr. Terry was then conducted to the chair, where he made his acknowledgments to the Senate, was qualified and forthwith entered upon the duties of his office.

Mr. Dent offered the following resolution:

Whereas, the general pecuniary embarrassment, and the wants of the public Treasury imperatively demand retrenchment and the strictest economy, in every instance of public expenditures, therefore :

Resolved, That all officers and agents of the Senate elected or appointed during the present session, shall receive one-third less pay than has been heretofore allowed. Which resolution was adopted.

Mr. Baylor moved to reconsider the vote on the adoption of the above resolution.

Mr. Dent moved to postpone until twelve o'clock to-morrow, Mr. Baylor's motion to reconsider. Which motion prevailed.

Mr. McConnell moved the following resolution:

Resolved, That the Secretary of the Senate receive the sum of five dollars per day, the Assistant Secretary and Doorkeeper each four dollars.

On motion of Mr. Watkins the further consideration of this resolution was postponed until twelve o'clock to-morrow—yeas 19, noes 11.

The yeas and nays being desired, those who voted in the affirmative are Messrs. President, Arrington, Baylor, Creagh, Dailey, Dent, Fleming, Foster, Hall, Hudson, Jones, Moores, Phillips, Ross, Thornton, Walker, Walthall, Watkins, and Wilson of J.—19.

Those who voted in the negative are Messrs. Brindley, Buford, King, McClanahan, McConnell, McVay, Oliver, Rodgers, Toulmin, Watrous, and Wilson of F.—11

On motion, the Senate then proceeded to the election of a Secretary, —*George B. B. Clitherall* and *Benj. A. Philpot* being in nomination.

Those who voted for *Mr. Clitherall*, are Messrs. Arrington, Baylor, Buford, Creagh, Dailey, Dent, Foster, Hall, Jones, King, Oliver, Rodgers, Ross, Thornton, and Walthall.—15.

Those who voted for *Mr. Philpot*, are Messrs. President, Brindley, Fleming, Hudson, McClanahan, McConnell, McVay, Moores, Toulmin, Walker, Watkins, Wilson, of F., and Wilson of J.—13.

Mr. Clitherall having received a majority of all the votes cast, Mr. President declared him duly and constitutionally elected Secretary of the Senate; was qualified and proceeded to discharge the duties of the office.

The Senate then proceeded to the election of an Assistant Secretary—*Mijamin Priest, Henry McVay, Thomas B. Childress, Wm. P. Terry, Samuel H. M. Dixon, Thaddeus C. Scales, D. H. Bingham, William M. Montgomery, and H. P. Douthitt*, being in nomination.

Those who voted for *Mr. Bingham*, are Messrs. Buford, Creagh, Dent, King, and Ross.—5.

Those who voted for *Mr. Childress*, are Messrs. Moores, and Toulmin.—2.

Those who voted for *Mr. Dixon*, are Messrs. Hall, and Philips.—2.

Those who voted for *Mr. Douthitt*, are Messrs. Baylor, Oliver, and Walker.—3.

Those who voted for *Mr. Montgomery*, are Messrs. Foster and Jones.—2.

Those who voted for *Mr. McVay*, are Messrs. Brindley, McVay, Thornton, Watkins, Wilson of F., and Wilson of J.—6.

Those who voted for *Mr. Priest*, are Messrs. Hudson and Rodgers,—2.

Those who voted for *Mr. Scales*, are Messrs. Dailey, McConnell, Walthall, and Watrous.—4.

Those who voted for *Mr. Terry*, are Messrs. President, Fleming, and McClanahan.—3.

Neither of the candidates having received a majority, the Senate proceeded to vote a second time.

Those who voted for *Mr. Childress*, are Messrs. Moores and Toulmin.—2.

Those who voted for *Mr. Bingham*, are Messrs. Buford, Creagh, Dent, King, Phillips, and Ross—6.

Those who voted for *Mr. Dixon*, are Mr. Hall—1.

Those who voted for *Mr. Douthitt*, are Messrs. Arrington, Baylor, Oliver, and Walker—4.

Those who voted for *Mr. Montgomery*, are Messrs. Foster, and Jones—2.

Those who voted for *Mr. McVay*, are Messrs. Brindley, McVay, Thornton, Watkins, Wilson of F., and Wilson of J.—6.

Those who voted for *Mr. Priest*, are Messrs. Hudson and Rodgers,—2.

Those who voted for *Mr. Scales*, are Messrs. Dailey, McConnell, Walthall, and Watrous—4.

Those who voted for *Mr. Terry*, are Messrs. President, Fleming, and McClanahan—3.

Neither of the candidates having received a majority, the Senate proceeded to vote a third time.

Those who voted for *Mr. Bingham*, are Messrs. Buford, Creagh, Dent, King, Phillips and Ross—6.

For *Mr. Childress*—Mr. Moores—1

For *Mr. Dixon*—Mr. Hall—1.

For *Mr. Douthitt*—Messrs. Arrington, Baylor, Oliver, and Walker,—4.

For *Mr. Montgomery*—Messrs. Foster and Jones—2.

For *Mr. McVay*—Messrs. Brindley, McVay, Thornton, Toulmin, Watkins, Wilson of F., Wilson of J.—7.

For *Mr. Priest*—Messrs. Hudson, and Rodgers—2.

For *Mr. Scales*—Messrs. Dailey, McConnell, Walthall, and Watrous,—4.

For *Mr. Terry*—Messrs. President, Fleming, and McClanahan—3.

There being no election, the Senate proceeded to ballot a fourth time.

For *Mr. Bingham*—Messrs. Buford, Creagh, Dent, King, and Ross,—5.

For *Mr. Childress*—Mr. Moores—1.

For *Mr. Dixon*—Mr. Hall—1.

For *Mr. Douthitt*—Messrs. Arrington, Baylor, Oliver, Phillips, and Walker—5.

For *Mr. Montgomery*—Messrs. Foster and Jones—2.

For *Mr. McVay*—Messrs. Brindley, McVay, Thornton, Toulmin, Watkins, Wilson of F., and Wilson of J.—7.

For *Mr. Priest*—Messrs. Hudson, and Rodgers—2.

For *Mr. Scales*—Messrs. Dailey, McConnell, Walthall, and Watrous—4.

For *Mr. Terry*—Messrs. Fleming, McClanahan, and Terry—3.

There being no election, the Senate proceeded to ballot a fifth time.

For *Mr. Bingham*—Messrs. Dent, Phillips, King, and Ross—4.

For *Mr. Childress*—Mr. Moores—1.

For *Mr. Dixon*—Mr. Hall—1.

For *Mr. Douthitt*—Messrs. Oliver, and Walker—2.

For *Mr. Montgomery*—Messrs. Foster, Baylor, and Jones—3.

For *Mr. McVay*—Messrs. Brindley, McVay, Thornton, Toulmin, Watkins, and Wilson of F.—6.

For *Mr. Terry*—Messrs. Fleming, McClanahan, and Terry—3.

There being no election, the Senate proceeded to ballot a sixth time.

The name of *Mr. Dixon* being withdrawn.

Those who voted for *Mr. Bingham*, are Messrs. Dent, King, Philips and Ross—4.

For *Mr. Childress*—Mr. Moores—1.

For *Mr. Douthitt*—Messrs. Arrington, Hall, and Oliver—3.

For *Mr. McVay*—Messrs. Brindley, McVay, McClanahan, Thornton, Toulmin, Watkins, and Wilson of F.—7.

For *Mr. Priest*—Messrs. Hudson, and Rodgers—2.

For *Mr. Scales*—Messrs. Creagh, Dailey, McConnell, Walthall, Watrous and Wilson of J.—6.

There being no election, the Senate proceeded to ballot the seventh time—the name of *Mr. Priest* being withdrawn.

Those who voted for *Mr. Bingham*, are Messrs. Dent, King and Ross—3.

Those who voted for *Mr. Childress*, are Mr. Moores—1.

Those who voted for Mr. *Douthitt*, are Messrs. Arrington, Buford, Oliver, Phillips and Walker—5.

Those who voted for Mr. *Montgomery*, are Messrs. Baylor and Jones—2.

Those who voted for Mr. *McVay*, are Messrs. Brindley, Foster, Hudson, McVay, Rodgers, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.—10.

Those who voted for Mr. *Scales*, are Messrs. Creagh, Dailey, Fleming, Hall, McConnell, Walthall and Watrous—7.

Those who voted for Mr. *Terry*, are Messrs. McClanahan and Terry—2.

There being no election, the Senate proceeded to ballot the eighth time—the names of Messrs. *Bingham and Terry* being withdrawn.

Those who voted for Mr. *Childress*, are —.

Those who voted for Mr. *Douthitt*, are Messrs. Arrington, Buford, Dent, King, Oliver and Walker—6.

Those who voted for Mr. *Montgomery*, are Messrs. Baylor, Foster, Jones and Ross—4.

Those who voted for Mr. *McVay*, are Messrs. Brindley, Hudson, McVay, Rodgers, Terry, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.—10.

Those who voted for Mr. *Scales*, are Messrs. Creagh, Dailey, Fleming, Hall, McClanahan, McConnell, Moores, Phillips, Walthall and Watrous—10.

There being no election, the Senate proceeded to ballot the ninth time.

Those who voted for Mr. *Childress*, are —.

Those who voted for Mr. *Douthitt*, are Messrs. Arrington, Buford, Dent, Hall, King, Moores, Oliver, Phillips and Walker—9.

Those who voted for Mr. *Montgomery*, are Messrs. Baylor, Foster, Jones and Ross—4.

Those who voted for Mr. *McVay*, are Messrs. Brindley, Hudson, McVay, Rodgers, Terry, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.—10.

Those who voted for Mr. *Scales*, are Messrs. Creagh, Dailey, Fleming, McClanahan, Walthall and Watrous—7.

There being no election, the Senate proceeded to ballot the tenth time—the name of Mr. *Childress* being withdrawn.

Those who voted for Mr. *Douthitt*, are Messrs. Arrington, Buford, King, Moores, Oliver and Walker—7.

Those who voted for Mr. *Montgomery*, are Messrs. Baylor, Foster and Jones—3.

Those who voted for Mr. *McVay*, are Messrs. Brindley, Hall, Hudson, McVay, Rodgers, Terry, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.—11.

Those who voted for Mr. *Scales*, are Messrs. Creagh, Dailey, Fleming, McClanahan, McConnell, Phillips, Ross, Walthall and Watrous—9.

There being no election, the Senate proceeded to ballot the eleventh time.

Those who voted for Mr. *Douthitt*, are Messrs. Dent, King, Oliver and Walker—4.

Those who voted for Mr. *Montgomery*, are Messrs. Arrington, Baylor, Foster, Jones, Moores and Rodgers—6.

Those who voted for Mr. *McVay*, are Messrs. Brindley, Hall, Hudson, McVay, Terry, Toulmin, Thornton, Watkins, Wilson of F. and Wilson of J.—10.

Those who voted for Mr. *Scales*, are Messrs. Creagh, Dailey, Fleming, McClanahan, McConnell, Phillips, Ross, Walthall and Watrous—9.

There being no election, the Senate proceeded to ballot the twelfth time.

Those who voted for Mr. *Douthitt*, are Messrs. Buford, Dent, Hall, Moores, Oliver and Walker—6.

Those who voted for Mr. *Montgomery*, are Messrs. Arrington, Baylor, Foster, Jones and Rodgers—5.

Those who voted for Mr. *McVay*, are Messrs. Brindley, Hudson, McVay, Terry, Toulmin, Thornton, Watkins, Wilson of F. and Wilson of J.—9.

Those who voted for Mr. *Scales*, are Messrs. Creagh, Dailey, Fleming, King, McClanahan, McConnell, Phillips, Ross, Walthall and Watrous—9.

There being no election, the Senate proceeded to ballot the thirteenth time.

Those who voted for Mr. *Douthitt*, are Messrs. Arrington, Buford, Dent, Hall, Moores, Oliver and Walker—7.

Those who voted for Mr. *Montgomery*, are Messrs. Baylor, Foster and Jones—3.

Those who voted for Mr. *McVay*, are Messrs. Brindley, Hudson, McVay, Rodgers, Terry, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.—10.

Those who voted for Mr. *Scales*, are Messrs. Creagh, Dailey, Fleming, King, McClanahan, Ross, McConnell, Phillips, Walthall, and Watrous—10.

There being no election, the Senate proceeded to ballot the fourteenth time.

Those who voted for Mr. *Douthitt*, are Messrs. Arrington, Baylor, Buford, Dent, Hall, Moores, Oliver and Walker—8.

Those who voted for Mr. *Montgomery*, are Mr. Jones—1.

Those who voted for Mr. *McVay*, are Messrs. Brindley, Hudson, McVay, Rodgers, Terry, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.—10.

Those who voted for Mr. *Scales*, are Messrs. Creagh, Dailey, Fleming, King, McClanahan, McConnell, Phillips, Ross, Walthall and Watrous—9.

There being no election, the Senate proceeded to ballot the fifteenth time—the name of Mr. *Montgomery* being withdrawn.

Those who voted for Mr. *Douthitt*, are Messrs. Arrington, Baylor, Buford, King, Moores, Oliver and Walker—7.

Those who voted for Mr. *McVay*, are Messrs. Brindley, Hudson,

Jones, McVay, Rodgers, Terry, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.—11.

Those who voted for Mr. *Scales*, are Messrs. Creagh, Dailey, Fleming, Foster, Hall, McClanahan, McConnell, Phillips, Ross, Walthall and Watrous—11.

There being no election, the Senate proceeded to ballot the sixteenth time.

Those who voted for Mr. *Douthitt*, are Messrs. Arrington, Baylor, Buford, Dent, Moores, Oliver and Walker—7.

Those who voted for Mr. *McVay*, are Messrs. Brindley, Hudson, Jones, McVay, Rodgers, Terry, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.—11.

Those who voted for Mr. *Scales*, are Messrs. Creagh, Dailey, Fleming, Foster, Hall, King, McClanahan, McConnell, Phillips, Ross, Walthall and Watrous—12.

There being no election, the Senate proceeded to ballot the seventeenth time.

Those who voted for Mr. *Douthitt*, are Messrs. Arrington, Buford, Dent, Moores, Oliver and Walker—6.

Those who voted for Mr. *McVay*, are Messrs. Brindley, Hudson, Jones, McVay, Rodgers, Terry, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.—11.

Those who voted for Mr. *Scales*, are Messrs. Baylor, Creagh, Dailey, Fleming, Foster, Hall, King, McClanahan, McConnell, Phillips, Ross, Walthall and Watrous—13.

There being no election, the Senate proceeded to ballot the eighteenth time—the name of Mr. *Douthitt* being withdrawn.

Those who voted for Mr. *McVay*, are Messrs. President, Brindley, Hudson, Jones, McVay, Rodgers, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.—11.

Those who voted for Mr. *Scales*, are Messrs. Arrington, Baylor, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hall, King, McClanahan, McConnell, Moores, Oliver, Phillips, Ross, Walker, Walthall and Watrous—19.

Mr. *Scales* having received a majority of the votes cast, Mr. President declared him duly and constitutionally elected Assistant Secretary of the Senate, was qualified, and entered on the duties of his office.

On motion, the Senate next proceeded to the election of a Doorkeeper—*John E. Sumners, Wm. E. Hester, John B. Mallard, C. C. Donoho, A. R. Thomas* and *P. P. Wright* being in nomination.

Those who voted for Mr. *Donoho*, are Messrs. Buford, Creagh, Dent, Fleming, Hall, McConnell, Phillips and Walker—8.

Those who voted for Mr. *Hester*, are Mr. Hudson—1.

Those who voted for Mr. *Mallard*, are Messrs. Baylor, Brindley, Dailey, Jones, McClanahan, McVay, Terry, Toulmin, Watkins and Wilson of F.—10.

Those who voted for Mr. *Sumners*, are Messrs. Walthall, Watrous and Wilson of J.—3.

Those who voted for Mr. *Thomas*, are Messrs. Arrington, Foster, King, Moores, Oliver, Rodgers, Ross and Thornton—8.

Those who voted for Mr. *Wright*, are —.

Neither of the candidates having received a majority, the Senate proceeded to ballot a second time.

Those who voted for Mr. *Donoho*, are Messrs. Brindley, Creagh, Fleming, Hall, McConnell, Phillips and Walker—7.

Those who voted for Mr. *Hester*, are Mr. Hudson—1.

Those who voted for Mr. *Mallard*, are Messrs. Baylor, Dailey, Jones, McClanahan, Rodgers, Terry, Toulmin, Watkins and Wilson of F.—9.

Those who voted for Mr. *Sumners*, are Messrs. Walthall, Watrous and Wilson of J.—3.

Those who voted for Mr. *Thomas*, are Messrs. Arrington, Buford, Dent, Foster, King, McVay, Moores, Oliver, Ross and Thornton—10.

Those who voted for Mr. *Wright*, are —.

Neither of the candidates having received a majority, the Senate proceeded to ballot the third time.

Those who voted for Mr. *Donoho*, are Messrs. Creagh, Hall, McConnell and Walker—4.

Those who voted for Mr. *Hester*, are Mr. Hudson—1.

Those who voted for Mr. *Mallard*, are Messrs. Baylor, Brindley, Dailey, Jones, McClanahan, Rodgers, Terry, Toulmin and Wilson of F.—9.

Those who voted for Mr. *Sumners*, are Messrs. Walthall, Watkins, Watrous and Wilson of J.—4.

Those who voted for Mr. *Thomas*, are Messrs. Arrington, Buford, Dent, Fleming, Foster, King, McVay, Moores, Oliver, Phillips, Ross and Thornton—12.

There being no election, the Senate proceeded to ballot a fourth time.

Those who voted for Mr. *Donoho*, are Messrs. Creagh, Hall, McConnell and Walker—4.

Those who voted for Mr. *Mallard*, are Messrs. Baylor, Brindley, Dailey, McClanahan, Terry, Toulmin and Wilson of F.—7.

Those who voted for Mr. *Sumners*, are Messrs. Walthall, Watrous and Wilson of J.—3.

Those who voted for Mr. *Thomas*, are Messrs. Arrington, Buford, Dent, Fleming, Foster, Hudson, King, McVay, Moores, Oliver, Phillips, Rodgers, Ross and Thornton—14.

There being no election, the Senate proceeded to vote the fifth time.

Those who voted for Mr. *Donoho*, are —

For Mr. *Mallard*—Messrs. Baylor, Brindley, Creagh, Dailey, Hall, McClanahan, McConnell, Rodgers, Terry, Toulmin, Walker, Watkins, and Wilson, of F.—13.

For Mr. *Sumners*—Messrs. Walthall, Watrous and Wilson of J.—3.

For Mr. *Thomas*—Messrs. Arrington, Buford, Dent, Fleming, Foster, Hudson, King, McVay, Moores, Oliver, Phillips, Ross and Thornton—13.

No one of the candidates having received a majority, the Senate proceeded to ballot the sixth time.

Those who voted for Mr. *Mallard*, are, Messrs. Baylor, Brindley, Creagh, Dailey, Hall, Jones, McClanahan, McConnell, Rodgers, Terry, Toulmin, Walker, Watkins, Wilson of F., and Wilson of J.—15.

Those who voted for Mr. *Thomas*, are, Messrs. Arrington, Buford, Dent, Fleming, Foster, Hudson, King, McVay, Moores, Oliver, Phillips, Ross, Thorton, Walthall and Watrous—15.

Neither of the candidates having received a majority, the Senate proceeded to ballot the seventh time.

Those who voted for Mr. *Mallard*, were 14.

Those who voted for Mr. *Thomas*, were 16.

Mr. *Thomas*, having received a majority of the votes cast, was declared, by Mr. President, duly and constitutionally elected Doorkeeper to the Senate, was qualified and entered on the discharge of the duties of the office.

Mr. Hudson offered the following resolution:

Resolved, That the standing rules for the government of the Senate, adopted at the last annual session, shall be the standing rules for the government of the Senate for the present session, until otherwise altered.

Which was adopted.

Mr. Hudson offered the following resolution:

Resolved, That the Chair appoint the usual standing committees, and report the same to the Senate as soon as practicable, which was adopted.

Mr. King offered the following resolution:

Resolved, That the Secretary inform the House of Representatives, that the Senate is now organized, by the election of Hon. Nathaniel Terry, of Limestone, President, Geo. B. B. Clitherall, Secretary, Thaddeus C. Scales, Assistant Secretary, and A. R. Thomas, Doorkeeper, and is now ready to transact business.

Mr. Oliver presented the report of the President of the Branch of the Bank of the State of Alabama at Montgomery; which, on motion of Mr. Hudson, was laid on the table.

Mr. Hudson offered the following resolution:

Resolved, That a committee of three be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait on his Excellency, the Governor, and inform him of the organization of the two Houses, and ascertain when it will suit his convenience to make his annual communication. Which resolution was adopted.

Mr. President appointed Messrs. Hudson, McVay, and Walthall, said committee.

On motion of Mr. Hudson, the Senate then adjourned till to-morrow, at 10 o'clock.

SENATE CHAMBER, Tuesday morning, Dec. 6th, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. President announced the following standing committees of the Senate:

On Propositions and Grievances—Messrs. McVay, Creagh, Arrington, Rodgers, and Dailey.

On Privileges and Elections—Messrs. Wilson of F., McAllister, Dent, Walthall, Reese, McClanahan, Ross, Baylor, Buford, Creagh, Fleming, Wilson of J. and Jones.

On the Judiciary—Messrs. Thornton, Baylor, Walker, Hunter, McConnell, Buford, Phillips, Foster, Dailey, Wilson of F., Watrous and Jones.

On Inland Navigation and Internal Improvement—Messrs. Walthall, King, Reese, Baylor, Wilson of F., McVay, Moores, Wilson of J. Oliver and Brindley.

On Roads, Bridges and Ferries—Messrs. Wilson of J., Hudson, Ross, Brindley and King.

On Divorce and Alimony—Messrs. Moores, Brindley, Watrous, Rodgers, Dailey and King.

On Indian Expenditures—Messrs. McAllister, McConnell, Dent, Dailey, Foster, Buford, and Reese.

On State Printing—Messrs. Creagh, Hudson, Foster, Rodgers, Fleming, Moores and Dent.

On the Penitentiary—Messrs. Hall, Reese, Oliver, Brindley, Hunter, Watrous and Dailey.

On Accounts and Claims—Messrs. Hudson, Jones, Watrous, Creagh, Arrington, Moores, Fleming and Dent.

On Retrenchment—Messrs. Phillips, Jones, Dent, McConnell, King, Watkins, Rodgers, Wilson of J., and Brindley.

On County Boundaries—Messrs. Fleming, McAllister, Arrington, Wilson of J. and Watrous.

On Education—Messrs. Baylor, Oliver, Jones, King, Hunter, Moores, Watkins, Walker, and Buford.

On the State Capitol—Messrs. Dent, McClanahan, Arrington, Brindley and Rodgers.

On the State Bank—Messrs. Toulmin, Jones, Thornton, Dent, McClanahan, Hudson, Walker, Moores, Baylor, Walthall and Oliver.

On Military Affairs—Messrs. McConnell, Dent, Walker and McClanahan.

On Federal Relations—Messrs. Walker, Phillips, Watkins, Dent, Creagh, Baylor, Hunter and Hudson.

On the Rules of the Senate—Messrs. McClanahan, Dent, Hudson, Walthall, Fleming, McVay, Moores, Phillips and Hunter.

Mr. President laid before the Senate the Comptrollers' report, on the contingent fund.

Mr. Hudson moved that the report lie on the table, and that thirty-three copies thereof be printed for the use of the Senate, which carried.

Mr. Hudson presented the petition of B. Reynolds and others, of Franklin county, for the relief of Wm. L. Duncan; which was read and referred to the committee of propositions and grievances.

Mr. Hudson offered the following resolution:

Resolved, That the doorkeeper be authorized to have sixty-six copies of the rules of the Senate printed for the use of the Senate. Which was carried.

Message from the House of Representatives by Mr. Phelan:

MR. PRESIDENT—I am instructed to inform your honorable body, that the House of Representatives has organized, by electing the Hon. John Erwin of Greene, Speaker, Joseph Phelan of Tuscaloosa, principal Clerk, Alexander B. Clitherall of Pickens, Assistant Clerk, Wilson C. Bibb of Madison, Engrossing Clerk, James H. Owen of Tuscaloosa, Doorkeeper, and Isaac Wildbahn of Jackson, Messenger, and are now ready to proceed to business. Which was laid on the table.

Mr. Phillips introduced a bill entitled an act, to repeal an act, entitled an act, to prevent the sacrifice of real estate; which was read the first time and ordered to a second reading.

Mr. Hudson offered the following resolution:

Resolved, That the Doorkeeper of the Senate, be authorized to procure, and furnish such fuel and stationery as may be necessary for the use of the Senate, during the present session. Which was adopted.

Message from the House of Representatives, by Mr. Clitherall:

MR. PRESIDENT—The House of Representatives have adopted the following resolutions:

Resolved, That a committee of three on the part of the House, be appointed to act with such committee on part of the Senate, to wait on the Governor, and inform him that the two Houses are now organized, and are ready to receive from him, any communication he may have to make to the two Houses. And have appointed Messrs. Calhoun, Tate, and Woodward, said committee.

Which was laid on the table.

Mr. Brindley offered the following resolution:

Resolved, That the committee on Judiciary enquire into the constitutionality and expediency of staying executions, where property cannot be sold for two-thirds of its value, and report by bill or otherwise. Which was carried.

Mr. Hall offered the following resolutions:

Resolved, That the committee upon the State Bank be instructed to enquire into the expediency of reducing the number of Directors, and abolishing their salaries in the State Bank and Branches.

And resolved further, That they enquire into the expediency of reducing the salaries of all the officers connected with said Bank and Branches. Which was carried.

Mr. Hudson made the following report:

MR. PRESIDENT—The joint committee appointed by the two Houses of the General Assembly, to wait upon His Excellency the Governor and inform him that they were organized, and ready to receive any communication, which he might think proper to make, have performed that duty, and received for answer, that he will make a communication this day at the hour of half past eleven o'clock, precisely.

Which report was read and laid on the table.

Mr. Moores introduced a bill to be entitled an act to repeal in part an act therein named; which was read the first time and ordered to a second reading.

Mr. King offered the following resolution:

Resolved, That the editors of newspapers be allowed a seat within the bar, for the purpose of reporting the proceedings of the Senate.

Which was adopted.

Mr. Dailey introduced a bill to be entitled an act to authorize ordained ministers of the Gospel, to solemnize the rites of matrimony, and for other purposes; which was read a first time and ordered to a second reading.

Mr. Hall offered the following resolution:

Resolved, That the committee on retrenchment be instructed to inquire into the expediency of reducing the salaries and fees of the Governor, Judges of the Supreme, Circuit and County Courts, Chancellors, Secretary of State, Comptroller and Treasurer, and the per diem of the members of the Legislature.

Mr. McClanahan offered the following amendment:

Also of the Attorney General, Solicitors, Adjutant General, and all salaried officers in the State.

Mr. Hudson proposed to amend further by inserting after "Adjutant General," Registers in Chancery, Clerks of the Supreme, Circuit and County Courts, Sheriffs, Justices of the Peace, Constables, and all other officers that receive fees for their services.

Which was adopted—yeas 28, nays 1.

The yeas and nays being called for, those who voted in the affirmative, are Messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hall, Hudson, Jones, King, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Toulmin, Walker, Walthall, Watkins, Watrous and Wilson of F. 28.

Those who voted in the negative, are Mr. Thornton.

Mr. Phillips offered the following resolutions:

Resolved, That the Cashier of the Bank of the State of Alabama, and the Cashier of the several Branches at Mobile, Montgomery, Huntsville and Decatur, furnish the Senate as early as practicable, a statement shewing,

1st. What real estate has been purchased by said Banks during the present year, in liquidation of debts due the same; what price was allowed for the same; if improved, in what the improvement consists; whether the same has been rented or leased, and for what price; who were the securities for the said debts; by what persons said real estate was valued; what compensation was allowed them for their services, and whether such persons were indebted to the Bank themselves, and have either before or since conveyed real estate to the Bank in payment of the same.

2d. What agents have been employed by the Bank to collect debts in the country, during the present year; and what compensation had been allowed them: and what compensation has been allowed the several Bank Attorneys in the service of the Bank; if the yeas and nays were taken by the boards of Directors, on any of the foregoing proposition, that a transcript of the same be furnished.

3d. What debtors of the Bank have taken the benefit of the Bankrupt

law, and the amounts of their respective debts, and what dividend the Bank has received of the estate of said Bankrupts.

Which was adopted.

A message was received from His Excellency the Governor, by Mr. Harrison, as follows:

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, December 5, 1842. }

Gentlemen of the Senate, and House of Representatives:

In meeting you as the representatives of the people, assembled to enact laws for the general good, I tender you my warm congratulations; and indulge the hope, that the result of our labors will not fall short of the confiding expectations, of those who have committed to us, so high and responsible a trust.

Being so recent from your constituents, I deem it scarcely necessary to remind you, that at no period since the adoption of our Constitution, have the people turned their attention to the deliberations of the General Assembly, with more intense interest, than the occasion upon which you have now assembled. We have reached a crisis in the affairs of the State, which admonishes us, too plainly to be disregarded, that, upon the wisdom and action of your honorable bodies, depend the credit, and character of the State, and to a great extent, the happiness and prosperity of her citizens for years to come.

In the midst of the worldly cares and vicissitudes with which we are surrounded, we have abundant cause to offer up our gratitude to Him, who controls the destiny of nations and men, for the manifold blessings which He has so profusely lavished upon this free and favored country. With the exception of a few portions of the State, our people have enjoyed the inestimable blessings of health, and under the smiles of a beneficent Providence, the labors of the husbandman have been crowned with a rich abundance of the fruits of the earth.

The cotton crop, the great staple of our State, though not so good as was anticipated early in the season, promises a fair average result. To that valuable staple, to industrious pursuits, and to a rigid economy, the great body of our people may look with perfect confidence, for a permanent increase of wealth, and a gradual return to their wonted prosperity. Containing, as Alabama does, a fertile soil, a wealthy and enterprising population, she is destined, at no distant day, to assume, if not the front rank, at least to be one of the number of the great producing States of the Union; and with her ample resources, present the pleasing and proud condition, of her population disenthralled from that load of debt and pecuniary embarrassment, into which they had been plunged by the unprecedented bank expansions and contractions, so common in our country a few years since—and which swept in one general current, the means and fortunes of a large portion, of nearly every grade of society, of the American people.

By an act of the last Legislature, it was made my duty to appoint a suitable person to digest all the statute laws, of a public and general nature, now in force in the State. The Hon. Clement C. Clay, of Huntsville, was selected by me to perform that duty. The same act provided

also, that three persons should be elected by a joint vote of the two Houses of the *last General Assembly*, who should examine and inspect the work, with power to decide on the correctness with which the Digester had performed his duty. Those inspectors or commissioners, the last Legislature omitted to appoint. Learning that the work would be completed, and ready for inspection in September last, and being assured of the great necessity of having it in as forward a state as practicable, for the action of your honorable bodies, I deemed it proper to appoint the three persons contemplated in the act, to examine and inspect the same. Samuel Peete, A. B. Meek, and Edwin R. Wallace, Esqrs. were the gentlemen selected by me to perform that service. I understand they have discharged that duty, and will report the result of their labors, within the time prescribed by the act. No provision, however, is made for the printing and publishing the Digest thus prepared. It will, therefore, become the duty of the Legislature to make suitable provisions for that object, and also to fix the amount of compensation the Digester shall be allowed.

By a resolution adopted at the last session of the General Assembly, the Governor of this State was required to obtain from the Governor of Mississippi, an authenticated copy of the Register of civil officers for the counties in Alabama, while said counties formed part of the Mississippi Territory; and also the original bonds, or certified copies, given by said officers, up to the period at which said counties became part of this State. After repeated efforts to effect the object of the resolution by letter, without success, and failing to get any information on the subject through that channel, I deemed it proper to send a special agent for that purpose. Col. William Garrett, the present efficient Secretary of State, was the agent selected. He accordingly proceeded to the Seat of Government, in the State of Mississippi, and was informed by the authorities of the State, that all the documents specified in the resolution, had, some few years since, been destroyed by fire.

I availed the State of the services of James E. Belser, Esq., as the agent, which the last Legislature, by resolution, required me to appoint, to proceed to the City of Washington, and urge upon the Federal Government, the payment of the money heretofore made by the State, upon claims growing out of the late Creek Indian hostilities. Mr. Belser has performed that duty with his usual promptness; but from the fact that our troops were never mustered into the service of the United States, he was entirely unable, under the then existing law, to effect the object of his mission with the War Department. He, however, had the subject brought before Congress; and by the united energy of our delegation, procured the passage of an act authorizing the War Department to settle the claims of the State, as though our troops had been received into the service of the United States. All of which Mr. Belser will make known to you, during the present session, in the report, which the resolution, authorizing his appointment, requires him to make. The agent was informed by the authorities at Washington, that an adjustment of the claims could not take place, until some time after the adjournment of Congress. He has, or will at an early

day, return to the seat of the Federal Government, for the purpose of resuming his duties, and completing the settlement. The act provides, that duly authenticated copies of papers, which may have been lost or destroyed, upon due proof of such loss or destruction, shall be received as evidence of the amount heretofore allowed and paid by the State. All the papers which I considered important, as connected with the claims due the State, have been placed in the possession of the agent; but I much fear that a large portion of the originals have been lost, or destroyed. To supply their places with duly authenticated copies, in many instances, will be very difficult; and to bring the settlement to a favorable termination on the part of the State, will be a work of no inconsiderable labor to the agent, as well as expense. It cannot be doubted, that the large amount advanced by the State, should be promptly refunded—but to present the claims in the authenticated form required by the United States Government, will require much time, labor and ability. The thousand dollars allowed the agent, by the resolution, will no doubt, before the termination of the mission, be consumed by the item of expense alone. For services thus valuable to the State, I recommend to the Legislature, to allow him a fair and just compensation. The resolution authorizing the agency, empowers the agent to receive and receipt for the amount allowed. Whether the sum which may be found to be due, is to be received by him, or what other disposition is to be made of it, when received, is for your honorable bodies to determine.

The condition of our State Banks, is of such paramount importance, not only to the financial credit of the State, but to the prosperity of all its citizens, that they must necessarily engross the largest portion of your attention, during the present session.

The revulsions which have within the last few years overtaken the whole Banking system, prostrating in its wreck and consequences, the credit and character of States, in common with the fortunes and hopes of a large portion of the people, have caused the minds of many, seriously to question the whole policy of banking. Whether the system, as heretofore conducted, is at any period, especially during the existence of the present generation, to be revived, and to enter so fully into the much abused confidence of the community, or to perish beneath the weight of its own imperfections, will be determined by the unerring test of time alone. Certain it is, that no banks, in whatever form they may hereafter exist, for a series of years at least, can be made to receive that unequalled favor and confidence, heretofore possessed, without the faithful and honest discharge of those functions, for which they were originally designed.

The salutary lesson of experience, so impressively taught us for the last few years, has admonished all, of the utter fallacy and delusion of looking to bank accommodations for relief, and exemption from pecuniary embarrassment. Steady industry, economy, and frugality, are the only sure guaranties for that permanent and lasting relief so anxiously desired by all, without the constant observance of which, states need not expect any thing like permanent prosperity, or individuals hope for that solid wealth which they all so devoutly desire.

Except the information contained in the annual reports of the commissioners to the last General Assembly, I have no accurate information of the actual condition of the banks.

I selected the commissioners for the present year, at a period sufficiently early to enable them to enter upon the discharge of their duties as soon as existing laws would allow. I also availed myself of the occasion of their appointment, to impress upon the several boards the great necessity of performing those duties at the earliest day practicable, and reporting the result of their labors to your honorable bodies at the commencement of the session. Knowing that full and accurate information would be essential to enable the General Assembly fully to understand the true condition of the banks, and to determine as to their future action, I deemed it proper, in the shape of interrogatories, to direct the attention of each board to many matters not usually regarded as falling within the scope of their examination. The information thus sought I consider important, and have therefore requested the commissioners to make their answers part of their report.

During a large portion of the present year, the paper of our State banks has labored under great depression, causing considerable embarrassment in all commercial and pecuniary transactions. The difference between specie and the actual value of our paper, has been alarmingly great, and falling heavily on those who have been compelled to submit to it. I therefore most earnestly invite your early and serious consideration to the condition of our banks. According to the modern views of banking, if we except one branch, the others may be said to have, for ordinary times, a reasonable proportion of specie and specie funds to their paper in circulation. The Mobile branch, the one excepted, cannot be so regarded. Her inordinate circulation in proportion to her specie, and her heretofore regularly accumulating, and now vast amount of suspended debt, taken in connexion with her whole policy for a series of years, lead me to the irresistible conclusion, that she should cease the functions of banking. I recommend, therefore, that that branch be put into an immediate state of liquidation, under such regulations as the wisdom of your honorable bodies may think best.

The non-specie paying condition in which all our banks have remained for a length of time, has been a heavy tax, both upon the patience and purse of our citizens, and has been submitted to with a degree of fortitude highly commendable. All banks, seeking the confidence of the people, should act in such a manner as to merit it.

A convertible circulation is what the community want, and have a right to expect, especially from those institutions which *assume the money making and money regulating power* of the country. Specie payment is essential to give credit to banks, and currency to their bills; and when they cease to perform these honest duties, they become a scourge to the country.

The reports of the several boards of commissioners will, it is hoped, disclose to you the actual condition of all the banks. That information will enable you better to determine the course to be pursued with the mother bank and the other three branches.

In an honest and faithful discharge of their duties, banks realize the legitimate end for which they were created, and promote, to some extent, the convenience of the people; but a failure in those particulars produces different results and ruinous consequences. A specie basis should be the true test of all banks, and a fixed period for resumption on their part, is most anxiously desired, and is due alike to the State, the banks, and the people. The time for resumption can better be determined upon by the General Assembly, than this Department. I therefore recommend that, having in view a proper regard for their condition, and allowing a reasonable time to prepare for that event, the mother bank and the other three branches be required to resume specie payments at the earliest day, which, in your wisdom, you may deem practicable.

Whether the banks in resuming should be required to redeem all their issues at first, or commence with their small bills, and at short stated periods to include the next denomination, until the entire circulation is embraced, is for the wisdom of your honorable bodies to determine. Such of the banks as are able and capable of performing the useful objects of their creation, should, in their efforts to attain this result, be sustained and fostered by the Legislature; but those which are unable, or shall fail to resume specie payments at the time appointed, should be required to go into a state of liquidation.

I am clear in the conviction, that there is more banking capital in the State than is needed, or can be profitably employed. I submit therefore to the General Assembly, the propriety of greatly reducing the capital of all our State institutions, and applying the amount thus withdrawn to the purchase of our State bonds, under such regulations as may be prescribed. I also invite your attention to a full and thorough investigation of the annual expenses of all the banks, with a belief that the system, as now conducted, is susceptible of considerable retrenchment in many of its departments, resulting in no inconsiderable saving to the banks, without any corresponding injury or inconvenience to the community.

One of the great objects of our State bank system, was to relieve the people from taxation by the profits arising therefrom, and to provide a fund to improve and develop the internal resources of the State. The system viewed in that light, is beautiful in theory; but, in these particulars, has sadly disappointed its votaries in practice. Whether objects so desirable are hereafter to be attained, or the community are to experience results entirely opposite, and the people themselves to become tax payers to maintain the credit and character of the State, is a question to be determined by the future.

A few years since, the Legislature, believing that one of the above objects had been accomplished, released the people from taxes, and drew the entire state revenue from the banks. From that time to the present, they have paid the whole expenses of the State government. From that drain, all who are the least conversant with their condition, will admit they should be released. I have no hesitation in saying to the General Assembly, that the tax for the support of the State govern-

ment should be renewed, and the banks relieved from its payment. The people are intelligent, honest and patriotic, and need only to be properly informed of the condition and greatly exhausted means of the banks, to be convinced that the tax should come from them for the support of the government, and not from those institutions. Taxes in some form, either direct or indirect, must necessarily be exacted from the people in all civilized countries; and when not levied beyond the requirements of a proper economy, may be considered as justly due by the citizen, for the blessing of a well organized and faithfully administered government. And although the annual direct requirement of each individual for a sufficient quota of revenue, may be considered a necessary burthen, it is not entirely destitute in other respects, of some benefit. The operation of no law is better calculated to awaken so general and just a scrutiny into the acts of public agents, or more potent in requiring a cautious use and judicious application of the public money.

Entertaining the belief, that the banks could no longer in justice to themselves contribute the amount necessary to defray the expenses of the State government, and that the means for that purpose would, as a matter of necessity, have to be raised by taxation, I conceived it important that the General Assembly should have something like accurate information of the amount of taxable property in the State, as data more satisfactory, by which taxes should be apportioned. I accordingly addressed a circular to the judges of the county courts or county treasurers of the several counties in this State, with a view of obtaining full information of the amount of taxable property in each county; the amount of taxes that will likely be collected for the ensuing year for the support of the several counties; and the manner in which each county provides for the support of the poor. All of which information I regarded as important, and, I presumed, would be acceptable to your honorable bodies. It is to be regretted, that I have as yet received no answers from many of the counties to the questions propounded; and several of those furnished, are not so full and satisfactory as was desired. I consider, however, the information thus obtained important, and herewith submit it to the General Assembly.

The two hundred thousand dollars, taken from the banks and given to valueless sixteenth sections in aid of schools, is a donation certainly laudable in its object, and was prompted no doubt by that enlarged philanthropy characteristic of the age in which we live. In a government like ours, based upon the affections, and controlled by the voice of the people, education cannot be too much promoted, or knowledge too generally and extensively diffused. Impressed as I am with the deliberate conviction of these truths, I shall readily avail myself of any appropriate occasion to afford all the aid in my power to promote objects so desirable and essential, as I believe, to perpetuate the existence of our free and happy form of government. No class of the community are more legitimately entitled to aid than those for whose benefit the amount heretofore bestowed was intended, and none, perhaps, have received less favor from the banks; and if the vast amount of bad and doubtful debts now due and owing them could be realized, and the banks placed

in a condition to afford the amount heretofore allowed, none would more cheerfully yield it than myself; but such a hope would be utterly delusive. If I could for a moment believe, that the sum thus given could, with any degree of safety to the banks, be by them spared, I would be among the last to withhold the amount heretofore appropriated. The ability of the banks to contribute that amount, in justice to themselves, is a question about which none, I presume, at this time, can for a moment entertain a doubt. I avow the opinion, with entire confidence of its correctness, that the Legislature ought to relieve the banks from the payment of the two hundred thousand dollars, as well as every other expense, except the ordinary charges incident to their operation. I recommend, therefore, that the act requiring the banks to pay that sum, as well as every other act withdrawing any of their means, except for their own support, be repealed.

The bills of the branch bank at Mobile, now, and for some time past, have formed a very large portion of the circulation of the State, and should the General Assembly put that institution into a state of liquidation, the manner in which her circulation should be redeemed, is a question of vast importance to the people. To turn the holders of that money to the branch in Mobile, to wait the tardy redemption of the present very large amount in the hands of the community, might injuriously affect the interest of all those who held it, and to some extent, be regarded, as a departure from the plighted faith of the State, which certainly is as solemnly pledged to the bill, as bond holders. Under existing laws, the bills of the Mobile branch, so far as the payment of debts due the other banks are concerned, stand upon the same footing, and answer all the purposes for that object, as fully as the bills, of either of the other banks; and to that circumstance may mainly be attributed the fact of the bills of that bank, being received at par, or nearly so with those of the other banks. The great disfavor in which the Mobile branch, has been regarded for some time past, together with an apprehension, that she would go into liquidation, without any adequate provision being made to withdraw her circulation, independent of her own, it is feared, limited resources, has had to some extent, the effect already of depressing the bills. That branch is part and parcel of the same system, brought into existence by the authority of the State, with her solemnly pledged faith, that the bills should be faithfully redeemed, and under that guarantee, her citizens have been induced to take them. That pledge should be rigidly redeemed, and is as sacredly due, alike to the bill as bond holders; and should be kept untarnished, and faithfully observed to both. There is a vast debt due the banks, and they belong to the State; and in collecting her debts, due in either of the banks, the bills issued by either should be received in payment of all, as one means of protecting those who have confided in her, and become her creditors. The mere fact, that from causes beyond the control of the State, one of her branches has pursued a policy destructive to the credit and interest of the bank, can afford no pretext whatever, which can justify the State, by any code of morals, in failing to provide all the means in her power to protect those who have become creditors of one of the branches, from all possible loss or injury. I submit to

the Legislature therefore, the propriety of adopting suitable provisions, requiring all the other State banks to receive in payment for debts due them, the bills of the Mobile branch, in the event that that bank should be put into liquidation; or to make some other provision of a similar character, which the wisdom of your honorable bodies may conceive better calculated to prevent the bills of that branch from depreciating in the hands of the community.

Our banks as now constructed, are susceptible, as I conceive, of great change for the better, in many of the existing laws under which they are now managed and controlled. The plan adopted of selecting bank directors, however plausible in theory, is conceded by all to have worked badly in practice. That to the management and conduct of the directors, may be justly attributed a large portion of the losses and disasters, which have more or less befallen all the banks, few at this day, I presume, entertain much doubt. To consummate some plan which would be a more ample guarantee of agents, more competent and faithful, has engaged the reflection of many, whose opinions are entitled to great respect, as well as repeatedly, on previous occasions, the patient investigation of former Legislatures. The operations of the banks from the time of their creation, and the heavy losses that have already, and are still destined to await them, are practical commentaries which have impressed a settled conviction on the minds of many, that a radical defect exists some where in the system. I have long thought that the present plan of electing directors by the Legislature, is the starting point of much of the evil and derangement which have pervaded the banks. In selecting these agents, all the members, except a few from the immediate vicinity of the banks, where the board is to be elected, must necessarily, and most generally choose between men about whom they know nothing, except in some instances, a passing acquaintance with those who are to be found in attendance upon the session, in the capacity of candidates for bank directors. Many honorable exceptions exist, and should be made, to that character of candidates; but judging no inconsiderable portion by the fruits of their labors, the prostrate condition, and squandered means of the banks, there are few at this time who would hesitate to admit, that the banks have failed to prosper under their auspices. Both justice and frankness to those who have managed one or two of the banks, require me to say, that they are not intended to be embraced in these remarks. The reports heretofore, have shown a marked difference in the prudence and caution with which the several banks have been governed and controlled.

That class of men whose reputation and qualifications would be a sure pledge for the able and faithful management of the banks, most usually, will not consent to enter the canvass as candidates for directors. In most cases, they are unknown to a very large majority of the members, or if known, are rarely ever thought of for that station, from a belief that they would not serve if elected—a presumption created from the circumstance, that they are not candidates for the office. The Legislature under such circumstances, is most generally, therefore, driven to the necessity of choosing from the list of candidates only. Out of the one hundred and thirty three Senators and Representatives, who, under the present mode, have to elect directors for the different banks, but a very small portion

of that number have any thing like the requisite knowledge or information of the qualifications of the aspirants, or those elected in the several boards; reducing thereby, for the want of correct information, the present plan of selecting these agents, so far as fitness for the station is concerned, to a mere system of chance, in which both the State and the banks, have often heretofore been the losers.

If it were at all practicable for the members of the General Assembly, to have any thing like an intimate personal acquaintance with the people in the vicinity of the several banks, from which directors have to be taken, and from their own knowledge could judge of their qualifications and fitness, the objections to the present mode, would of course, be destitute of force. But scattered, as our banks are, and coming as the Representatives of the people do, from every county in the State, the requisite information to vote understandingly for those officers, is entirely out of the question—and consequently, for the want of such information, a great majority of the members voting for the different boards, are absolved from any thing like a just responsibility. The present system of selecting directors is co-existent with the banks, and with some slight modification, as to numbers, has been in practical operation since their creation; with what effect their impaired credit and crippled condition can best answer.

No legislation is more sensibly felt, or of a more delicate character, than that connected with the monetary affairs of a State; none certainly embracing interests more general, or including in its effect, so large a portion of every grade of society; and no public functionaries should be selected with more extreme caution and prudence, than those agents into whose hands are committed, the control and government of the monied institutions of the country. The present mode of choosing them has been subjected to the rigid scrutiny of time and practice, the surest test of all theories, and with great deference for the opinions of others, I avow the conviction with entire confidence, that in the plan, as at present pursued, of electing directors, lurks one of the greatest defects of the present banking system.

If the General Assembly cannot create an appointing power approximating, to greater certainty, as to competent agents, than the present, judging the future by the past, the risk, I think, is not great, in predicting that the period is not far distant, when the exhausted means of the banks will require but little of the guardianship of the Legislature. Perhaps no subject connected with these institutions, is fraught with consequences more serious to the State, and certainly no one of recent date has engrossed so large a portion of the public mind. It is for the wisdom of your honorable bodies to apply the remedy.

The amount of interest which will be due on the State bonds for the ensuing year, and the periods when it is to be paid, will, it is presumed, be fully made known to you, by the reports of the commissioners appointed to examine the several banks. I most respectfully invite your attention to the subject, and recommend that suitable and permanent provisions be made for its payment upon a sure basis, and beyond all possible contingency. It should be a source of proud exultation, reflecting credit upon the State, that in every crisis through which she has passed in com-

mon with the whole country, and in every vicissitude in which she has been placed, Alabama has, with rigid punctuality, met all her engagements, and maintained, as she ever will, unsullied, her plighted faith.

Within the last few weeks the Planters' & Merchants' Bank of Mobile, has suspended specie payments, and refused also, to pay her depositors the amount due them. Whether the course thus pursued by that bank, has been induced by considerations of policy, or was the result of necessity, matters but little to those who have been affected by her action. Much that I have said in reference to our State institutions with regard to a faithful performance of duty, can with justice be applied to this bank. As usual with banks, in a pressed condition, her paper shewing might be regarded as a good one for the ultimate payment of her liabilities. But experience, the best test of human action, has taught us to view with just distrust all such information. The whole history of bank failures is too fresh in the minds of an injured community, and the deceptive character of such statements has been too often demonstrated, to expect the confidence of the people, which has heretofore been so greatly abused. Time in its onward course, may prove that at some distant day, she may pay her liabilities. That may ultimately be the case; but still, great injustice and injury may, in the mean time, be perpetrated upon the rights and interests of those who had abundant cause to expect a different course of conduct on the part of the bank. The vast amount of immediate liabilities in proportion to her present available means, and the late course of the bank, can best answer how these expectations are likely to be realized. Frankness requires me to say, that the lessons of the past have taught me to confide reluctantly in all exhibits from banks, which so signally fail to discharge their engagements. Ultimate payment at some remote or distant period, is poor compensation to those who require the immediate use of their means. To the stockjobber and the shaver, the prospect is bright and cheering.

After the deep and absorbing interest manifested by the people in our State banks, induced mainly by their suspended condition, and after the intense anxiety evinced from every part of the State, to place them upon a sounder basis, it is much to be regretted, that one of the stock banks of the State should assume the attitude which the Planters' & Merchants' bank has recently done. Whether she is to run the usual race of suspended banks, or at an early day to return to a faithful discharge of duty, is for the wisdom of the General Assembly to determine. I have no information, as to her actual condition, except what is published in the journals of the day. Her true situation, I presume, will be made known to you by the commissioners appointed to make the annual examination. I recommend, however, that such a course be pursued towards her, as will enable her creditors to realize the amount due them, as soon as practicable; and that she be required to resume specie payments or go into liquidation, under such regulations as your wisdom may prescribe.

I have long been impressed with the belief, that salutary modifications could be effected in the practice and proceedings of our courts, which would result in a considerable saving of labor to the officers, as well as expense to the suitors. I would be unwilling to see an innovation made in

all our judicial proceedings; but in suits of the most usual and ordinary occurrence, and which constitute much the largest portion of the business of the courts, many of the long and unnecessary forms now used, could, with great propriety, as I conceive, be dispensed with. They serve more to swell the record and increase the expenses of litigation, than to subserve or facilitate the cause of justice. In suits of that character some plain and summary process could be devised, in which the facts in controversy could be set forth, with common legal precision; in which form justice could as well be dispensed as in the tedious and technical one now observed. Form has been almost entirely dispensed with in appeals; and in controversies of that character, important principles have frequently been involved, and often settled by the highest revising court of the State. In the action of ejectment, all the useless common law forms have also been dispensed with by statute, and titles to land are now tried in a very summary way.

I can see no reason why the suits alluded to, could not be disposed of by the judicial tribunals of the State, in the same simple and plain manner, especially when objects so desirable could be accomplished by it.

Economy in all public expenditures, cannot be too constantly observed, nor exactions on the people too rigidly scrutinized. The great depression and embarrassment which pervades almost every class and condition of society, should invite a most thorough examination into every source of a public character, through which the community is affected by pecuniary demands, with a view, as far as is compatible with the public interest, to their mitigation. There has been no period since our existence as a State, when the public burthens of the people should be more critically examined, than the times through which we are now passing. Objects so deserving their notice, I am sure will not fail to engage the attention of the General Assembly.

The amount of money taken by the Government from the people, is the best measure of liberty; and when the amount exceeds the requirements of a rigid economy, or a just reward for official labor, taxation becomes an engine in the hands of the Government for invading the individual right of property guarantied to the citizen by the very nature of our free institutions.

The amount paid to Jailers for the support of prisoners in the several counties throughout the State, forms no inconsiderable item in the aggregate of the annual expenses of the State Government. Whether those charges should be borne by the State, or the counties where the offences are committed, out of a fund to be set apart for that object, to be under the direction of the Judge of the County Court and Commissioners of Roads and Revenue, for the purpose of judging of their correctness and ordering their payment, is a question at least worthy of reflection.

Under existing laws, legislation on that subject is required at every session—for all demands of that character must be examined and their payment provided for by the General Assembly; and in some cases, the time consumed in making such a provision, costs the State greatly more than the amount claimed. If it be the settled policy of the State to pay these demands as heretofore, I conceive the better course would be, to appropriate

annually a sufficient amount for that purpose, and that some branch of the Government be required to pay those accounts, under such rules and limitations as the Legislature may prescribe.

Under the late apportionment, Alabama is entitled to seven representatives in Congress. It will therefore become the duty of the General Assembly, during the present session, to prescribe the mode and manner in which they shall be elected. For the entire period since the adoption of the Federal Constitution, the States have been left to the free and undisturbed exercise of that right, until the recent session of Congress. In that spirit which has for a series of years characterized the acts of Federal authority, in the exercise of undelegated power, the Congress of the United States, have assumed, for the first time in the history of our Government, to dictate to the States the manner in which members of that body shall be chosen. The fact that this right has been long conceded to the States, should have admonished Congress against any attempt at the exercise of such a power. The advocates of the law in question, claim it as a self supporting principle of the Federal Government. Should the States fail or refuse to provide for the election of members, it might then become a question, after such failure or refusal on the part of the States, if such a right would not accrue to Congress. But until such dereliction of duty on the part of the States, the power thus assumed, would not seem to be warranted, either by the spirit or letter of the constitution of the United States. If the right alluded to, abides in the Federal Government, and can be exercised by Congress unconditionally, as claimed by its supporters, then the representatives to Congress must be elected under such rules, and at such times and places, and by such agents of that Government, as Congress may direct; but that body is wholly destitute of power to command the State Legislatures to make laws for that or other objects. No such power has ever been delegated to the Federal Government, and I trust the States have not been humbled to such a condition of vassalage, as to yield a quiet obedience to such unauthorized encroachments upon their rights.

The act of Congress requiring members to be elected by Districts, finds favor in the eyes of many from the fact that they are opposed to the General Ticket, and in favor of the District system. Those who, from that cause, are the advocates of Congress exercising that right, should not forget, that to concede to that body the power in question, gives also the power to Congress to elect by General Ticket.

My views on both systems have been heretofore fully made known, and I deem it unnecessary here to repeat them. The people were required to indicate the mode they preferred, and a majority expressed a preference for the District system. The States of their own accord, and independent of the dictates of Federal power, have a perfect right to adopt either mode. In obedience therefore to the *declared wishes of a majority legally expressed*, and not in pursuance of the unauthorized mandate of Congress, I recommend to the General Assembly to District the State in the most compact and equitable mode practicable.

For a series of years previous to the late session of Congress, the country had been happily exempt from excitement on the subject of the tariff. With their usual patience and patriotism, our people had in the utmost good faith,

abided the memorable compromise of 1833, of that delicate question, under the fond but delusive hope, that those who had so long reaped such signal advantages from that adjustment, would, with like fidelity, adhere to it when the time should arrive that the South in turn should enjoy some benefit from that settlement. But such expectations have been created only to be disappointed; and stipulations, however solemn, seem no longer to be regarded, or binding, with the manufacturing interest, than they enjoy the sole and exclusive benefit arising from them.

After giving to the States, (unasked and against the wishes of many,) the proceeds arising from the sale of our vast public domain, entailing upon the country a national debt, and scattering its means with prodigal profusion, as a pretext for extraordinary exactions upon the people, the late tariff majority in Congress, have, under the popular guise of raising revenue and protecting home industry, again revived and brought into full play, the protective policy, with all its unjust and oppressive influences upon the staple growing States of the Union.

In the system of discriminating and prohibitory duties as adopted at the recent session of Congress, that body seems to have regarded the whole American industry as concentrated in the manufacturing establishments of the East and North, and the hemp factories of the West. The tillers of the soil, the basis upon which every other interest rests, and from whose industry and labor flow the wealth and prosperity of the nation, are to be sacrificed, and their hard earnings taken to build up manufacturing establishments by a system of legal exactions, but little short of agrarianism, either in form or principle.

The action of Congress on that subject, I trust, will receive, as it merits, the most unqualified condemnation of the General Assembly.

The State has received one hundred and ten copies of documents, "Legislative and Executive," of the Congress of the U. States in relation to the public lands, in five folio volumes, one copy of which is intended for each court of record in the State. It will become the duty of the Legislature to direct how they shall be distributed, and define what courts are entitled to a copy.

The University, which should justly be the pride of all, as the nursery of the genius and talents of our youth, is realizing the fond anticipations of the votaries of science and learning. The claims of that institution to favor and patronage, under the control and management of the present very able faculty—marked as the government of the college is, by distinguished zeal and ability—present themselves strongly to public confidence generally, and more especially to the citizens of the State, for whose benefit it was so liberally endowed. No institution should demand and receive a larger portion of the fostering care of both the people and their representatives; and under the auspices of such competent agents, I indulge the hope, that the period is at hand when the University of Alabama will occupy the first rank among the literary institutions of the country.

The university fund pays annually a considerable sum in the way of interest, on a debt due the bank. I recommend to the Legislature to adopt some measure which will ultimately result in extinguishing the

debt, and relieve that fund from the yearly drain to which it is now subjected.

One of the judges of the Supreme Court and the judges of the second, third, fourth, seventh and ninth judicial circuits, and the judge of the county court of Sumter county, were elected at the called session of the Legislature in the year 1837. Their commissions will expire, and these offices will become vacant, in the month of June next. Those vacancies could all be filled by the power vested in me by the constitution; but anxious at all times to avoid duties which can more appropriately be performed by another branch of the government, I have presented the subject to your notice, with a desire that the General Assembly will, at the present session, anticipate and provide for those vacancies.

Since the adjournment of the last Legislature, vacancies have occurred in the office of judge of the circuit court of the tenth judicial circuit, and the office of judge of the county court in the counties of Tuscaloosa, Butler, Marion, Wilcox and Mobile, and also the office of solicitor of the sixth judicial circuit, all of which have been filled in the mode prescribed in the constitution.

I have been notified by the honorable John P. Booth, judge of the sixth judicial circuit, that the office of judge of the county court for the county of Pike, has been vacated in consequence of the judge of that county failing to renew his bond on the application of his securities, as required by law. I have also received the resignation of the honorable S. Heydenfelt, resigning the office of judge of the county court of Tallapoosa county. These vacancies occurring so near the approach of the present session, I have deemed it proper to leave them to be permanently filled by the General Assembly.

Messrs. Phelan and Harris have been appointed State Printers in the place of Samuel F. Rice, esq., who resigned since the adjournment of the General Assembly.

The law regulating the salary of the adjutant and inspector general, is somewhat indefinite and vague, as to the amount of compensation that he shall be allowed. I recommend, that the General Assembly define more particularly the duties for which he is entitled to a *per diem* allowance, independent of the duties incident to that office, for which he should receive a fixed salary.

Robert Fenner and R. B. Jones, esquires, were appointed by my predecessor, in 1841, to make final settlement with the register and receiver, and all other officers connected with the land office at Courtland. They performed that duty, and made their report to the last General Assembly. The act under which they were appointed made no provision for their compensation, nor have they as yet received any. They are certainly entitled to payment for their services, and the Legislature should make suitable provision upon the subject.

As the law now exists, owners and masters are entitled to the full value of all slaves executed for capital offences. The law provides also, that a fund shall be specifically set apart for the payment of such claims. Several applications have been made, in the terms of the stat-

ute, for payment of these demands, and their payment declined, for the reason, that no fund had been provided, or appropriation made for that object. It will become the duty of the General Assembly to make suitable provision on this subject. As a general rule, it is certainly true, that a party who is thus deprived of his property by the force of law, is entitled to compensation for it; but I seriously doubt the policy of the law in question. Humanity alone, as the statute now stands, is the only inducement to the master to take that interest which is essential to insure his slave a fair and impartial trial when implicated. In a great majority of cases, it is presumed, that would be a sufficient prompting cause to enlist his zeal and energy for the purpose of bringing all the facts, and especially those which would be vitally important for the party accused, before the court and jury. Cases might occur, however, when these influences would not be sufficiently strong to induce that course on the part of the master, and a human being might be condemned and executed, to all appearance fairly, but in truth unjustly, from the circumstance, that no one took a sufficient interest to develop all the facts before the tribunal trying the slave. Unless the owner do so, the hope is a faint one generally, that others will or can. So far as pecuniary interest is concerned, the master may be said to be perfectly indifferent, for if his slave is condemned, he is entitled to his full value; and the history of such valuations demonstrates, that in that particular, the master's interest is rarely ever disregarded. To those feelings of humanity, which are now the only hope on the part of the slave, for such aid from his master as will insure him a fair trial, I would add the more powerful and awakening one of interest also, by allowing the owner one-half, instead of the whole value of such slave.

The penitentiary as established, and now in operation, promises to meet the just expectations of its most ardent friends. I made the annual visit as required by law to that prison, in the month of October last. The government, and whole internal police, are alike creditable to the State and officers who have the management and control of the institution; and I cannot but regard the radical change in the punishment of crimes and offences by the system now adopted, as a most salutary innovation upon our former criminal laws. The thirteenth section of the first chapter of the penal code, requires the inspectors, or one of them, to visit the penitentiary at least once in each week, and a monthly visit from them as board of inspectors, and oftener if they should think it necessary. From the 31st December, 1841, up to the 14th of October, 1842, the day on which I inspected the prison, the record of the inspectors' proceedings shows, that during that time, Col. Simmons had attended thirteen monthly and called meetings, and made fourteen weekly visits; Col. Watson attended eleven monthly and called meetings, and made thirteen weekly visits; and Col. Armstrong attended three monthly and called meetings, and made six weekly visits. I am thus particular for the purpose of showing the Legislature how these officers have performed their respective duties. Justice to the two first named gentlemen requires me to say, that they have done as much service as was, perhaps, necessary; but the record too plainly shows, that such

has not been the case with the last named inspector. The reason of his absence does not appear on the record of their proceedings; nor have I received any explanation of this seeming dereliction of duty. These officers are charged with very important duties connected with our penitentiary, and their attendance should be put beyond contingency. No institution can be expected to succeed without a faithful discharge of duty in those who are selected to control and govern it.

I recommend that suitable provision be made, requiring the inspectors who attend, or in case they all fail to attend, for some other officer in the Penitentiary to note every such failure, and that a certain number of failures in succession, without good cause, shall amount to a forfeiture of the office of the defaulting inspector; with a further provision, that some branch of the government be required in the recess of the Legislature to fill such vacancy.

A detailed statement of the financial operations of the Penitentiary for the current year, will be furnished you by the Warden, through the Comptroller of Public Accounts as required by law. The law makes it the duty of the inspectors, at least fifteen days before the first day of December in each year, to transmit to the Governor a report, exhibiting a complete and comprehensive view of the transactions of the Penitentiary during the preceding year. Col. Simmons, one of the inspectors made the report within the time prescribed; at the close of which he remarks, "that the other inspectors were absent at the time it was submitted." The reasons why the other inspectors failed to attend, and unite in the report submitted by Col. Simmons, your honorable body, like myself, must be left to conjecture. The report thus made, however, is no doubt correct in every particular. And believing the information it contains, was intended as much for the General Assembly, as this Department, I herewith lay a copy of the same before you.

The ten thousand dollars appropriated at the last session of the Legislature, will not be sufficient to pay the current year's expenses of the Penitentiary, including the amount to be paid for erecting workshops and some other buildings, which were necessary; and also, for laying down pipes for the purpose of conducting a sufficient supply of wholesome spring water, within the walls of the prison. At the time the institution went into operation, no workshops in which the convicts could perform their labor had been erected, nor out buildings, which were essential for the use of the officers and their families; nor any provision made by which the prison could be furnished with the necessary supply of good water. Early in the present year, a contract was made for that purpose on as good terms, it is believed, as circumstances would justify. I recommend therefore, that provisions be made for paying the amount, which may be found to be due, over and above the sum heretofore appropriated.

In the performance of a constitutional duty, coupled with a desire to promote the public good, I have thus imparted to the General Assembly the result of my most anxious reflections on the subjects alluded to; and although I do not claim for the views thus presented, that exemption from error incident to human affairs, I know them to be the off-spring of an anxious desire and devoted zeal to promote the prosperity of the State, and the interest of my fellow-citizens.

That harmony may pervade your deliberations, and that they may result in promoting the welfare of the State and the happiness of the people, is my most fervent wish.

BEN. FITZPATRICK.

Which being read, was on motion of Mr. Hudson, ordered to be laid on the table, and that fifteen hundred copies thereof, be printed for the use of the Senate.

Mr. President laid before the Senate, the Report of the Inspectors of the Alabama Penitentiary.

Mr. Dent moved its reference to the committee on the Penitentiary; which motion prevailed.

Mr. Hudson offered the following resolution:

Resolved, That a committee of three be appointed on the part of the Senate, to act jointly with such committee as may be appointed on the part of the House of Representatives, whose duty it shall be to examine the Comptroller's and Treasurer's office, and report to their respective Houses, whether or not said officers have faithfully discharged their duties according to law.

Which was adopted.

Whereupon Mr. President appointed Messrs. Hudson, Fleming and King, said committee.

Mr. Hudson offered the following resolution:

Resolved, That a committee of ten, (composed of one member from each Judicial Circuit,) be appointed on the part of the Senate, to act jointly with such committee as may be appointed on the part of the House of Representatives, whose duty it shall be, to take under their especial care and consideration, the subject of laying off the State into Congressional Districts, agreeably to the recommendation of His Excellency, the Governor, and report the result of their deliberations to their respective Houses, at as early a day as practicable.

The consideration of which was postponed, on motion of Mr. Hudson, till eleven o'clock to-morrow.

Mr. President announced that the hour of twelve had arrived, when the Senate took up the resolutions offered on yesterday by Messrs. Dent and McConnell, and which were made the special order for that hour.

Which, on motion of Mr. Dent, were referred to the committee on Retrenchment.

On motion of Mr. Phillips, the Senate then adjourned till ten o'clock to-morrow.

SENATE CHAMBER, Wednesday, 7th December, 1842.

The Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has adopted a joint memorial of the General Assembly, to the President of the United States, in which the concurrence of the Senate is requested.

Which message was read and ordered to lie on the table, and the joint memorial placed among the orders of the day.

Mr. Phillips presented the petition of the court of roads and revenue, of Dallas county, in relation to titles for Cahawba property; which, on motion, was referred to the committee on the judiciary.

Mr. Watkins presented the petition of James W. Rhue, and other citizens of Monroe county, in relation to the Turnbull academy; which, on motion, was referred to the committee on education.

Mr. President announced from the Chair, the following committee on enrolled bills, viz: Messrs. Ross, Buford, Foster, Arrington and McClanahan.

Mr. McConnell presented the petition of D. A. Maxwell, and other citizens of Talladega county, in relation to the school fund; which, on motion, was referred to the committee on education.

Mr. Watkins presented the petition of Garrett Longmire, which, on motion, was referred to the committee on propositions and grievances.

Mr. Phillips offered the following resolution:

Resolved, That the committee on the Penitentiary enquire into the expediency of authorizing the purchase of suitable machinery for the use of the Penitentiary, for the manufacturing cotton bagging from cotton.

Which was adopted.

Mr. Brindley introduced a bill to be entitled, an act explanatory of certain joint resolutions therein named; which was read a first time, and ordered to a second reading.

Mr. Brindley offered the following resolution:

Resolved, That the committee on the State Bank enquire into the expediency of placing in a state of liquidation, all the branches of said bank, or consolidating said bank and branches, so as to dispense with the expense of four of them, and render the circulation from each of them, of uniform value. Also, of diminishing the aggregate circulation, by the collection of debts, with a view to a speedy resumption of specie payments.

Which resolution was adopted.

Mr. Wilson of F., offered the following resolution:

Resolved, That the committee on roads, bridges and ferries, be instructed to inquire into the expediency of repealing the laws exempting certain persons between the ages of eighteen and forty-five from working on roads; and that they have leave to report by bill or otherwise.

Which was adopted.

Mr. Hall introduced a bill to be entitled an act to vest in Julia S. Sample, the wife of Alexander Sample, certain rights and privileges therein named; which was read a first time and ordered to a second reading.

The Senate then proceeded to the consideration of the orders of the day.

The bill to be entitled an act to authorize ordained ministers of the Gospel without certificates, to solemnize the rites of matrimony, and for other purposes, was read a second time and referred to the committee on the judiciary.

The bill to be entitled an act to repeal in part a certain act therein named, was read a second time and referred to the committee on privileges and elections.

The bill to be entitled an act to prevent the sacrifice of real estate, was read a second time and referred to the committee on the judiciary.

Mr. Walker introduced Hon. James E. Reese, the Senator elect from Chambers and Randolph, who was qualified and took his seat.

Mr. President announced that the hour of eleven o'clock had arrived, —Whereupon, the Senate proceeded to the consideration of Mr. Hudson's resolution in relation to the appointment of a committee on the subject of districting the State; which was on yesterday made the special order for that hour.

To which resolution Mr. Walthall offered the following amendment, to wit:

Strike out all after the word resolved, and insert, "That a committee of fifteen members be appointed, three from each congressional district as they existed previous to the passage of the law authorizing and requiring members of Congress to be elected by general ticket, for the purpose of laying off the State into seven congressional districts."

Mr. Baylor desired the yeas and nays on the adoption of Mr. Walthall's amendment.

Those who voted in the affirmative, are Messrs. Baylor, Brindley, Creagh, Dailey, Dent, Fleming, Foster, Hall, McConnell, McVay, Moores, Phillips, Reese, Rodgers, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J.—20.

Those who voted in the negative, are Messrs. President, Arrington, Buford, Hudson, King, McClanahan, Oliver, Ross and Watrous—9.

So the amendment was adopted.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives concur in the resolution from the Senate, appointing a joint committee to examine the Comptroller's and Treasurer's offices, and have appointed Messrs. Williams of Pickens, Meriwether, and Barron, said committee; which was read and ordered to lie on the table.

The Senate took up the joint memorial from the House of Representatives to the President of the United States, in relation to which was read and adopted; and on motion of Mr. Walker, forthwith reported back to the House of Representatives.

On motion of Mr. Hudson, the annual message of His Excellency, the Governor was taken from the table and made the special order for to-morrow at twelve o'clock; at which time the Senate will proceed to its consideration in committee of the whole.

Mr. Hall presented the petition of Crawford M. Jackson, brigadier general of the fifteenth brigade, sixth division, Alabama militia, respecting encampment drills; which was referred to the committee on military affairs.

Mr. Watrous presented the petition of James Dunlap and other citizens of Shelby county, concerning public roads; which was referred to the committee on roads, bridges and ferries.

Mr. President laid before the Senate the preamble and resolutions adopted at a meeting of the citizens of Russell county, in relation to the resumption by the Banks of this State, of specie payments—the reading of which was dispensed with, and on motion of Mr. King, said document was referred to the committee on the State Bank.

On motion of Mr. Baylor, the Senate then adjourned till ten o'clock to-morrow.

SENATE CHAMBER, Thursday, 8th Dec., 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday read and approved.

Mr. Walker presented the petition of George Reid and other citizens, of township sixteen, range twelve, in the county of Benton, in relation to the school fund; which was referred to the committee on education.

Mr. McConnell presented the petition of David Dulany and other citizens, of Talladega county; which was referred to the committee on education.

Mr. Wilson of J. presented the petition of sundry citizens of Jackson county; which was referred to the committee on propositions and grievances.

Mr. President, (Mr. Dent in the Chair,) presented the petition of Allison C. Cain and other citizens of Limestone county; which was referred to the committee on education.

Mr. Oliver introduced a bill to be entitled an act to enable the State Bank and its Branches, to pay witnesses in State prosecutions, commenced at their instance; which was read a first time, and ordered to a second reading on to-morrow.

Mr. Dailey introduced a bill to be entitled an act amendatory of an act therein named; which was read the first time and ordered to a second reading.

Mr. Fleming offered the following resolution:

Resolved, That the committee on the Penitentiary, be instructed to enquire into the expediency and practicability of converting a portion of the manual labor of the convicts, to the manufacture of rope and bagging, to be made of hemp, and that they report by bill or otherwise.

Which resolution was adopted.

Mr. President laid before the Senate the annual report of the Cashier of the Bank of the State of Alabama; which on motion was referred to the joint examining committee of the two Houses.

Mr. Hudson for the Cashier, requested leave to withdraw the report in order that the same might be laid before the House of Representatives; which was granted.

Mr. Hudson offered the following resolution; which was adopted:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reducing the rate of interest from eight to six per centum, per annum, with leave to report by bill or otherwise.

Mr. Foster introduced a joint resolution, proposing to alter the twelfth section of the fifth article of the Constitution of the State of Alabama, making the Judge of the county court elected by the people; which was read a first time and ordered to a second reading on to-morrow.

The orders of the day were then taken up.

A bill to be entitled an act explanatory of certain joint resolutions therein named, was read a second time, and referred to the committee on education.

A bill to be entitled an act to vest Julia S. Sample, the wife of Alexander Sample with certain rights and privileges therein named, was read a second time, and referred to the committee on the judiciary.

Mr. Hudson offered the following resolution; which was adopted:

Resolved, That the Senate will now proceed to the election of a committee of three, to act with such committee as may be appointed on the part of the House of Representatives, to examine into the condition of the State Bank and Branches.

In pursuance of said resolution, the Senate proceeded to the election of the committee—Messrs. Walthall, Dent, Hudson, Walker, Oliver, Baylor, Watkins, Jones, Toulmin, Buford, McConnell, and Phillips were put in nomination.

Messrs. Walthall, Dent, and Hudson having received the highest number of, and a majority of all the votes given; were declared by Mr. President duly elected members of said joint examining committee.

A message from the House of Representatives, by Mr. Clitherall, as follows:

Mr. President—The House of Representatives has passed the following resolution:

Resolved, That the House do now go into the election of a committee, to act jointly with such committee as may be chosen on the part of the Senate, to examine the condition of the State Bank. Whereupon, Messrs. Calhoun, McCoy and Robinson, were elected said committee.

Also the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives on to-morrow, (Thursday,) at the hour of twelve, M., for the purpose of electing a Judge for the county court, for the counties of Bibb, Wilcox, Butler, Pike and Russell.

Mr. Hudson moved to concur in the first resolve of the message; which was carried.

Mr. Watrous moved to strike out of the second resolve, the words "to-morrow, Thursday;" carried.

Mr. Buford moved to insert "Monday;" lost.

Mr. Phillips moved to insert "Saturday;" carried.

Mr. Buford moved to strike out "Russell;" carried.

Mr. Hudson moved the concurrence of the Senate in the message as amended; which motion prevailed.

Ordered, that the Secretary forthwith acquaint the House thereof.

Mr. Foster introduced a bill to be entitled an act to establish a tobacco inspection in the city of Wetumpka; which was read the first time and ordered to a second reading.

Mr. Rodgers introduced a bill to be entitled an act to regulate and define the fees of Judges of the county courts, and for other purposes; which was read the first time, and ordered to a second reading.

Mr. President announced that the hour of twelve o'clock had arrived; when the Senate resumed the consideration of the annual message of His Excellency, the Governor, it being the special order for that hour. When, on motion of Mr. Watkins, Mr. Hudson took the Chair,

the Senate resolving itself into a committee of the whole. After some time spent in deliberation, the committee rose and reported through its chairman, Mr. Hudson, the following resolutions, to wit:

Resolved, That so much of the message of His Excellency the Governor, as relates to the adjustment of the claims of Robert Fenner and R. C. Jones, commissioners appointed to wind up the affairs of the Courtland Land Office, be referred to the committee on accounts and claims.

Resolved, That so much of the message of His Excellency the Governor as relates to the law regulating the salary of the Adjutant and Inspector General be referred to the committee on military affairs.

Resolved, That so much of the message of his Excellency the Governor, as relates to the public documents in relation to public lands, be referred to the committee on the judiciary.

Resolved, That so much of the message of His Excellency the Governor, as relates to the repeal of the law appropriating two hundred thousand dollars in aid of valueless sixteenth sections, be referred to the committee on education.

Resolved, That so much of the message of His Excellency the Governor, as relates to the annual expense of the Banks, be referred to the committee on retrenchment.

Resolved, That so much of the message of His Excellency the Governor as relates to proposed alterations in the judicial system, be referred to the committee on the judiciary.

Resolved, That so much of the message of His Excellency the Governor as relates to economy in the public expenses, be referred to the committee on retrenchment.

Resolved, That so much of the message of His Excellency the Governor as relates to laying off the State into Congressional Districts—and all matters connected therewith, be referred to the special committee of fifteen appointed for that purpose.

Resolved, That so much of the message of His Excellency the Governor as relates to the subject of the Tariff, and all matters connected therewith, be referred to the committee on federal relations.

Resolved, That so much of the message of His Excellency the Governor as relates to supporting prisoners, and the mode of paying therefor, and all things connected therewith, be referred to the committee on accounts and claims.

Resolved, That so much of the message of His Excellency the Governor as relates to the Penitentiary, be referred to the committee on the Penitentiary.

Resolved, That so much of the message of His Excellency the Governor as relates to the State Bank and Branches, and all things connected therewith, be referred to the committee on the State Bank.

Resolved, That so much of the message of His Excellency the Governor as relates to the subject of education, be referred to the committee on education.

Resolved, That so much of the message of His Excellency the Governor as relates to levying a State tax on the people for the support

of the State Government, be referred to the committee on propositions and grievances.

Resolved, That so much of the message of His Excellency the Governor as relates to the subject of Digesting the laws of this State, be referred to the committee on the judiciary.

Resolved, That so much of the message of His Excellency the Governor as relates to slaves executed for capital offences, be referred to the committee on propositions and grievances.

Resolved, That so much of the message of His Excellency the Governor as relates to the Planters' and Merchants' Bank of Mobile, and all matters connected therewith, be referred to the committee on the State Bank.

Resolved, That so much of the message of His Excellency the Governor as relates to the adjustment of the claims growing out of the late Indian hostilities, and all matters connected therewith, be referred to the committee on federal relations.

Resolved, That so much of the message of His Excellency the Governor as relates to suspending the operations of the Branch Bank at Mobile, and placing its affairs in liquidation, be referred to the committee on the judiciary; with instructions to report accordingly, as early as practicable.

All of which resolutions were adopted by the Senate;

And on motion of Mr. Watkins, the committee was discharged from the further consideration of the subject.

Mr. Hall offered the following resolutions:

Resolved, That the Chairman of the State Bank committee, be instructed to address the Cashier of the Branch of the Bank of the State of Alabama at Montgomery, and request him to inform the Senate, whether all debtors to said Branch Bank have been permitted to extend their debts in obedience to law. And

Resolved further, That said Cashier inform the Senate whether all debtors have been required to pay the twenty per cent. as the law directs, and whether great partiality has not been shewn in the extension of debts due said Bank; and whether men of wealth and capital have not been permitted to extend their debts by paying a per centum greatly below that which the law requires, while other debtors in moderate circumstances have been required to pay the twenty per cent. as required by law.

And be it further Resolved, That said Cashier be instructed to furnish the Senate with the names of those debtors who have been permitted to extend their debts, by the payment of a less per cent. than the twenty per cent authorized and required by law, during the years of eighteen hundred and forty one, and eighteen hundred and forty two.

The consideration of which resolutions was, on motion of Mr. Hudson, postponed till to-morrow at eleven o'clock.

Mr. Hall then offered another resolution, as follows:

Resolved, That the Chairman of the State Bank committee be instructed to address the Cashier of the Branch Bank at Montgomery, and request him to inform the Senate whether said Branch Bank has not sustained a considerable loss in the purchase of exchange, during the years of eigh-

teen hundred and forty-one, and eighteen hundred and forty-two, and if so, state what amount—who purchased it—and of whom purchased.

Which was adopted.

On motion of Mr. King the Senate then adjourned till ten o'clock, to-morrow morning.

SENATE CHAMBER, Friday morning, 9th December, 1842.

Senate met pursuant to adjournment.

Minutes read and approved.

Mr. Wilson of F. introduced the petition of sundry citizens of Fayette county, praying that a part of Fayette county be attached to Walker county; which was referred to the committee on county boundaries.

Mr. McVay, from the committee on propositions and grievances, to whom was referred the petition of William L. Duncan, of Franklin county, reported it inexpedient to grant the prayer of said petitioner.

On motion of Mr. Hudson, the report and petition were ordered to lie on the table.

Mr. Hudson offered the following resolution:

Resolved, That, with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives, this day, ninth instant, at the hour of twelve o'clock, for the purpose of electing a Secretary of State.

On motion of Mr. Walthall—ordered that the resolution lie on the table.

The yeas and nays being desired on Mr. Walthall's motion to lie on the table—

Those who voted in the affirmative are, Messrs. President, Arrington, Brindley, Dailey, Dent, Foster, Hall, Jones, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Thornton, Toulmin, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J.—22.

Those who voted in the negative are, Messrs. Fleming, Hudson, King, Rodgers and Walker—5.

Mr. Dailey offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the propriety of passing a law prohibiting the selection of county court judges, except from the counties in which they may be chosen to preside.

Which was adopted.

Mr. President announced the following select committee, appointed in accordance with a resolution adopted by the Senate, calling for such a committee to lay off the State into seven Congressional Districts, viz:

Messrs. Walthall, Thornton, Watrous, Toulmin, Creagh, Moores, Reese, Hall, Hunter, Fleming, Wilson of J. Walker, Wilson of F. Rodgers and McVay.

Mr. Toulmin introduced a bill, to be entitled, an act to amend an act entitled an act to establish a road court in Mobile county, approved December twenty-seven, eighteen hundred and forty-one; which was read a first time, and, on motion of Mr. Toulmin, the constitutional rule requiring bills to be read on three several days was suspended, the bill

forthwith read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Wilson of F. introduced a bill to be entitled an act to attach a part of Fayette to Walker county; which was read the first time and ordered to a second reading.

Mr. Reese introduced a bill, to be entitled an act to provide for working roads on beat lines; which was read the first time and ordered to a second reading.

Mr. Hall offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing the common law jurisdiction of the County courts.

Which was adopted.

On motion of Mr. Hudson, the Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act to enable the State Bank and Branches to pay witnesses in State prosecutions commenced at their instance, was read the second time and referred to the committee on the State Bank.

A bill to be entitled an act amendatory of an act therein named, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Joint resolution proposing to alter the twelfth section of the fifth article of the constitution of the State of Alabama, making the Judges of the county courts elective by the people, was read the second time, and, on motion, referred to the committee on the judiciary.

The bill to be entitled an act to establish a tobacco inspection in the city of Wetumpka, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to regulate and define the fees of Judges of the county courts and for other purposes, was read a second time and referred to the committee on retrenchment and reform.

Message from the House of Representatives, by Mr. Phelan:

Mr. President—The House of Representatives concur in the amendments made by the Senate to their resolution proposing to go into the election of certain county court Judges.

The House has also adopted the following resolution:

Resolved, That, with the concurrence of the Senate, the two Houses will convene in the Hall of the House on to-morrow. (Friday,) at twelve o'clock, M. for the purpose of electing Judges of the county courts of Sumter and Tallapoosa counties.

In which the concurrence of the Senate is requested.

Mr. Thornton moved to amend the message by striking out the words "to-morrow, (Friday;)" which was carried.

Mr. Thornton then moved to insert, in lieu of the words stricken out, Tuesday; which was carried.

Mr. Walker moved to lay the message on the table; which motion was lost.

Mr. McConnell moved to strike out Tallapoosa; which motion was carried.

Ordered, that the Secretary acquaint the House thereof immediately.

Mr. President announced the hour of eleven o'clock, and the Senate proceeded to the consideration of Mr. Hall's resolution; it being the special order for that hour.

On motion of Mr. Hall, the following words were stricken from the resolution, viz: "and whether great partiality has not been shown in the extension of debts due said Bank."

Mr. Hudson moved to insert "the Cashier of the State Bank at Tuscaloosa, and the Cashiers of the Branch Banks at Mobile, Decatur and Huntsville;" which amendment was accepted.

Mr. Jones moved to strike out "and whether men of wealth and capital have not been permitted to extend their debts by paying a per cent. greatly below that which the law requires, while other debtors of moderate circumstances have been required to pay the twenty per cent. as required by law."

Which motion was lost. Ayes 1—nays 27.

The ayes and nays being desired—

Mr. Jones voted in the affirmative.

Those who voted in the negative are, Messrs. President, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hall, Hudson, King, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watrous, Wilson of F. and Wilson of J.

The Senate adopted the resolution as amended by Mr. Hall.

Mr. Hall offered the following joint resolution:

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the joint resolutions approved December thirty-first, eighteen hundred and forty-one, authorizing His Excellency the Governor to appoint some suitable person to go to the city of Washington, for the purpose of urging the claims of this State, and finally settling the same, be and the same is hereby repealed.

Which was read the first time and ordered to a second reading.

Mr. Toulmin offered the following resolution:

Resolved, That the chairman of the committee on printing be instructed to have printed, for the use of the Senate, five hundred copies of the reports of each Bank in the State, as made by the commissioners who have examined said institutions.

Which was adopted.

On motion of Mr. Baylor, the Senate adjourned till ten o'clock, tomorrow.

SENATE CHAMBER, Saturday Morning, December 10, 1842.

The Senate met pursuant to adjournment.

Minutes of yesterday read and approved.

Mr. Phillips presented the petition of Thomas H. Wiley; which was referred to the committee on the judiciary.

Mr. McVay from the committee on propositions and grievances, to which was referred so much of the Governor's message as relates to lay-

ing a tax on the people for the support of the State government, reported that in the twenty-third section of the third article of the constitution it is provided that all bills for raising revenue, shall originate in the House of Representatives; and asked to be discharged from the further consideration of the subject.

Mr. Hudson moved to lay the report and resolution on the table; which motion prevailed.

Mr. McVay from the same committee, to which was referred the petition of sundry citizens of Jackson county, praying the passage of a law to exempt from levy and sale, under execution, forty acres of land to the head of each family in this State, reported that the committee deem it in expedient to pass such a law.

Mr. Wilson of J. moved to lay the report on the table; which motion prevailed, and leave was granted Mr. Wilson to withdraw said petition.

Mr. McVay from the same committee, to which was referred the petition of Garrett Longmire, reported that it was inexpedient to legislate on the subject.

On motion of Mr. Watkins, the report was ordered to lie on the table.

Mr. Hall presented the petition of George H. Garrett, and of sundry citizens of Autauga county.

Mr. King moved the reference of the petition to a select committee.

Mr. Moores moved its reference to the judiciary committee; which motion prevailed.

Mr. President laid before the Senate the report and accompanying documents, of the President of the Branch Bank at Decatur, Alabama.

Ordered, that the same lie on the table, and that five hundred copies thereof, be printed for the use of the Senate.

Mr. John S. Hunter, Senator from Lowndes, appeared in the Senate Chamber, and took his seat.

Mr. Hall moved the reconsideration of the vote on the adoption of a resolution offered by himself on the eighth instant, making certain enquiries of the Cashiers of the State Bank and several Branches; which was carried.

Mr. Jones then asked the yeas and nays on the adoption of the resolution, which resulted as follows:

Messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Dailley, Dent, Fleming, Foster, Hall, Hudson, Jones, King, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J. voting in the affirmative.

— in the negative.

So the resolution was adopted without opposition.

Mr. Rodgers introduced a bill to be entitled an act to secure a homestead to every family within this State; which was read the first time, and ordered to a second reading on to morrow.

Mr. King introduced a bill to be entitled an act to incorporate the town of Fairfield, in the county of Pickens; which was read the first time, and ordered to a second reading.

Mr. Arrington introduced a bill to be entitled an act to extend the

provisions of an act, approved, thirty-first December, one thousand eight hundred and forty-one, entitled an act to establish jury trials in justices' courts, in certain counties in this State, and to regulate the proceedings therein, to the counties of Butler and Pike; which was read the first time and ordered to a second reading.

Mr. King offered the following resolution:

Resolved, That the committee on education be instructed to enquire into the expediency of encouraging the manufacture of bagging and bale rope, out of cotton, by the enactment of a law, giving a small bounty to every cotton bag enveloped in bagging and rope made of cotton.

Which was adopted.

Mr. Phillips offered the following resolution:

Resolved, That it is expedient to place in liquidation the affairs of the Branch of the Bank of the State of Alabama, at Decatur.

On the adoption of which, Mr. Wilson of F. desired the yeas and nays.

Those who voted in the affirmative are, Messrs. President, Arrington, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hall, Jones, King, McConnell, McVay, Moores, Oliver, Phillips, Reese, Ross, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.—24.

Messrs. Hudson and Rodgers voted in the negative—2.

So the resolution was adopted.

On motion of Mr. McConuell, Messrs. Creagh and Arrington were added to the committee on military affairs.

Mr. Reese, on motion of Mr. Phillips, was added to the committee on the judiciary.

The Senate then took up the orders of the day.

Engrossed bill to be entitled, an act to amend an act, entitled an act to establish a road court in Mobile county, approved, twenty seventh December, one thousand eight hundred and forty one, was read a third time and passed.

Ordered, that the title remain unchanged.

A bill to be entitled, an act to attach a part of Fayette to Walker county, was read a second time, and referred to the committee on county boundaries.

A bill to be entitled, an act to provide for working roads on beat lines was read a second time, and referred to the committee on roads, bridges and ferries.

Engrossed bill to be entitled, an act amendatory of an act therein named, was read a third time and passed.

Ordered, that the title remain unchanged.

Engrossed bill to be entitled, an act to establish a tobacco inspection in the city of Wetumpka, was read a third time and passed.

Ordered, that the title remain unchanged.

Joint resolutions proposing to repeal the law, approved, thirty first December, one thousand eight hundred and forty one, authorizing the Governor to appoint an agent to go to Washington City, to urge and settle the claims of this State against the Federal Government, was read a second time, and, on motion of Mr. Jones, referred to the committee on federal relations.

Mr. Hudson offered the following resolution:

Resolved, That it is expedient to place in a state liquidation the affairs of the Branches of the State Bank, at Huntsville and Montgomery.

Mr. Wilson of F. moved to lay on the table.

Mr. Oliver moved so to amend the resolution, as to make the expediency of placing in a state of liquidation the affairs of these Banks, a subject of enquiry for the State Bank committee.

Mr. Creagh moved to amend the amendment, by striking out all after the word "Resolved," and inserting, "that it is expedient that the State Bank at Tuscaloosa, and the Branch Banks at Montgomery and Huntsville, shall resume specie payments by the first day of July, one thousand eight hundred and forty three."

Mr. Dent moved to lay the resolution and amendments on the table.

On which motion the yeas and nays were desired.

Messrs. President, Arrington, Buford, Creagh, Dent, Hall, Hunter, King, McConnell, McVay, Moores, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Walker, Walthall, Watrous, and Wilson of F. voted in the affirmative—21.

Messrs. Brindley, Dailey, Fleming, Foster, Hudson, Jones, Rodgers, Watkins and Wilson of J. voted in the negative—9.

So the resolution, with the amendments, was laid on the table.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives concurs in the amendments of the Senate. to the resolution from the House proposing to go into the election of the Judges of the county courts, of Sumter and Tallapoosa counties.

Mr. Dent moved a reconsideration of the vote adopting the resolution offered by Mr. Phillips on this morning, and desired the yeas and nays.

Messrs. Baylor, Dent, Hudson, McVay, Rodgers, Ross, Toulmin, Walthall, Watkins, Watrous and Wilson of J., voted in the affirmative—11.

Messrs. President, Brindley, Buford, Creagh, Dailey, Fleming, Foster, Hunter, Jones, King, McConnell, Moores, Oliver, Phillips, Thornton, Walker, and Wilson of F. voted in the negative—17.

So the Senate refused to reconsider the vote.

A message from the House of Representatives, by Mr. Phelan:

Mr. President: I am instructed to invite your honorable body to repair to the Hall of the House of Representatives, for the purpose of going into the election of the judges of the county courts, of the counties of Bibb, Wilcox, Butler and Pike.

Whereupon, the Senate repaired to the Hall of the House of Representatives, were seated, and Mr. President announced the object for which the two Houses were assembled.

The two Houses proceeded first to the election of a Judge of the County Court of Bibb county—*John E. Somers* and *William C. Henry*; being in nomination.

Those who voted for *Mr. Henry*, are Messrs. Arrington, Brindley, Dent, Hunter, King, Oliver, Reese, Walker, and Wilson of Fayette, of the Senate; and Messrs. Abernathy, Banks, Caffey, Calhoun, Clay, Coch-

ran, Cooper, Crowder, Cunningham, Dear, Douglass, Dunklin, Dunn, Erwin, Fletcher, Gardner, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hubbard, Jackson, Jones of Conecuh, Jones of Covington, Jones of Greene, Kendrick, Kennedy of L. Kennedy of M. Lankford, Martin, McClung, McCoy, McLemore, Miree, Mitchell, Moore of M. Morgan of A. Morgan of C. Morris, Morrison, Murphey, Norris, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Robinson, Roby, Skipper, Smith of T. Turner, Walker, Valliant, Ware, Watts, Whorton, Winston of DeK. Winston of S. and Witherspoon of the House.

Those who voted for *Mr. Somers*, are Messrs. President, Baylor, Creagh, Dailey, Fleming, Foster, Hall, Hudson, Jones, McConnell, McVay, Moores, Phillips, Rogers, Ross, Thornton, Toulmin, Walthall, Watkins, Watrous and Wilson of J. of the Senate; and Messrs. Speaker, Barclay, Barron, Bishop, Bridges, Cain, Campbell, Dortch, Dubose, Earle, English, Findley, Fowler, Gamble, Hill, Hodges, Marchbanks, McMillion, Meriwether, Morrisett, Mundy, Norman, Scott, Smith of P. Tate, Williams of J. Williams of P. and Woodward, of the House.

Mr. Henry, having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Bibb county, for the term prescribed by the constitution.

The two Houses then proceeded to the election of a judge of the county court of Wilcox county—*David W. Sterritt* alone being in nomination, was voted for by Messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hall, Hudson, Hunter, Jones, King, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J. of the Senate; Messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Clay, Cochran, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Jackson, Jones of Con. Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McMillion, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward—124.

Mr. Sterritt having received a majority of votes, Mr. Speaker declared him duly elected judge of the county court of Wilcox county, for the term prescribed by the constitution.

The two Houses next proceeded to the election of a judge of the county court of Butler county—*John P. Hudson*, alone being in nomination, was voted for by Messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hall, Hudson, Hunter

Jones, King, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J. of the Senate; Messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of Con. Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Walker, Ware, Watts, Williams of J. Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward, of the House of Representatives—126.

Mr. Hudson having received a majority of the votes given, was declared by the Speaker duly elected judge of the county court of Butler county, for the term prescribed by the constitution.

The two Houses then proceeded to the election of a judge of the county court of Pike county—*Charles A. Dennis*, alone being in nomination, was voted for by Messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Dailey, Fleming, Foster, Hall, Hudson, Hunter, Jones, King, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watkins, Watrous and Wilson of J. of the Senate: Messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bridges, Caffey, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Jackson, Jones of Con. Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, McClung, McCoy, McMillion, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C. Morris, Morrison, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Robinson, Roby, Skipper, Scott, Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Witherspoon and Woodward, of the House of Representatives—113.

Mr. Dennis having received a majority of the votes given, was declared by Mr. Speaker duly and constitutionally elected judge of the county court of Pike county, for the term prescribed by the constitution.

The Senate then returned to its chamber, and Mr. President resumed the chair.

Mr. Hudson in the chair—Mr. President presented the petition of John K. Welborn and other citizens of Limestone county, and moved its reference to the judiciary committee; which was carried.

A message from the House of Representatives by Mr. Phelan:

MR. PRESIDENT—The House of Representatives has adopted the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House on Monday next, at twelve o'clock, M. for the purpose of electing a Judge of the County Court of Russell county.

Which on motion of Mr. Buford, was concurred in. Ordered, that the House be acquainted therewith.

On motion of Mr. Jones, the Senate then adjourned till ten o'clock, on Monday.

SENATE CHAMBER, Monday morning, 12th December, 1842.

The Senate met pursuant to adjournment.

The minutes were read and approved.

Mr. Reese presented the petition of Abner Webb; which was referred to the committee on the Judiciary: also the account of the Sheriff of Randolph county; which was referred to the committee on accounts and claims.

Mr. Thornton from the Judiciary committee, to which was referred a resolution of enquiry, as to the propriety of prohibiting by law, the election of County Court Judges, except from the residence of the county over which they were to preside; reported it inexpedient to pass such a law; it is deemed sufficient to restrict his residence after his election, to such a place as the public convenience may require; which report was concurred in.

Mr. Thornton, from the same committee to which was referred so much of the Governor's message as relates to proposed alterations in the Judicial system; reported it inexpedient to legislate on the subject.—Brevity and simplicity are indeed, much to be commended in all Judicial proceedings, on account of the great saving of money and labor which they produce; but on the other hand, we must carefully guard against the injury which will inevitably be done by allowing a vague and general statement of the grounds, either of complaint or defence. To prevent surprise, and ensure a speedy trial of causes, each party should not only be authorized, but compelled to set forth fully the grounds upon which he asserts a claim, or upon which he resists it, when made against him. It is humbly conceived that the abbreviation which has already been made in our forms of proceeding, is sufficient to meet the requirements of a safe economy. In the most common and comprehensive class of suits, that which embraces the collection money secured by bond or note; we have the act in Aikin's Digest, two hundred and seventy-four, giving the petition and summons which contain the fewest possible number of words, and answer the double purpose of both Writ and Declaration. In all other suits, by the act in Aikin's Digest, two-hundred and seventy-seven, abolishing special demurrers, the pleading on the part of both plaintiff and defendant are now required to contain no more than matter of substance, and as the interest and convenience of suitors both concur in the restriction, we think it is not necessary to legislate further on this subject. Which, on motion of Mr. Hudson was ordered to lie on the table.

Mr. Thornton, from the same Committee, to which was referred a bill for the benefit of Julia S. Sample, reported it back to the Senate, with the expression of the opinion that it is inexpedient to pass the same; in which report the Senate concurred.

Mr. Thornton, from the Judiciary committee, to which was referred a bill to authorize ordained ministers of the gospel, without certificate to solemnize the rites of matrimony, and for other purposes; reported it back to the Senate with the expression of the opinion that it is inexpedient to pass such an act; in which report the Senate concurred.

Mr. Phillips, from the Judiciary committee, to which was referred the petition of the Judge of the County Court and Commissioners of Roads and Revenue of Dallas county, in conformity thereto; reported a bill to be entitled an act, to authorize the Judge of the County Court and Commissioners of Roads and Revenue of Dallas county, to execute titles to certain real estate, and recommend its passage; which bill was read the first time and ordered to a second reading on to-morrow.

Mr. Hunter presented the petition of sundry citizens of Lowndes and Montgomery counties, praying the establishment of a toll bridge; which was referred to the committee on roads, bridges and ferries.

Mr. Hunter presented the memorial of Benjamin W. Walker of Lowndes county; on whose motion it was referred to the judiciary committee.

Mr. Hunter presented the petition of sundry citizens of Lowndes county, in behalf Thomas P. Simons, jailer of said county; which was referred to the committee on propositions and grievances.

Mr. Hunter also presented the account of Thomas P. Simons, jailer of Lowndes county, and moved its reference to the committee on accounts and claims.

Mr. Rodgers offered the following resolution; which was adopted:

Resolved, That the committee on roads, bridges, and ferries, be instructed to enquire into the expediency of so changing the law in relation to public roads, that they may be kept up by taxation, and by letting them out to the lowest bidder, in lieu of the mode now in practice; also of reducing the width of lanes, and report by bill or otherwise.

Mr. Phillips introduced a bill to place in liquidation the Branch of the Bank of the State of Alabama, at Decatur.

Mr. Hudson moved to suspend the constitutional rule, with a view to its being referred to the committee on the State Bank.

Mr. Watkins moved to lay the bill on the table, and that thirty-three copies thereof be printed; which latter motion prevailed.

Mr. President laid before the Senate the annual report of the Comptroller on the revenue; which on motion of Mr. Hudson, was ordered to lie on the table, and thirty-three copies thereof ordered to be printed.

Mr. President also laid before the Senate the report of the commissioners appointed to examine the Planters' and Merchants' Bank of Mobile.

Mr. Hudson moved to lay on the table and print a hundred and thirty-three copies; which was carried.

Mr. King introduced a bill to be entitled an act amendatory of an act entitled an act for the better regulation of the State printing, and altering the mode of paying for the same; which was read the first time and ordered to a second reading on to-morrow.

Mr. Oliver introduced a bill to be entitled an act to regulate in part the duties of the Treasurer of Montgomery county; read the first time and ordered to a second reading.

The orders of the day were then taken up.

A bill to be entitled an act to secure a homestead to every family within this State; was read a second time and referred to the committee on the judiciary.

A bill to be entitled an act to revive an act entitled an act to incorporate the town of Fairfield in the county of Pickens; was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to extend the provisions of an act entitled an act to establish jury trials in justices' courts in certain counties in this State, and to regulate the proceedings therein, approved December thirty-first, one thousand eight hundred and forty-one, to the counties of Butler and Pike, was read a second time and ordered to be engrossed for a third reading.

Which completed the orders of the day.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has passed the following bills, to wit:

A bill to be entitled an act to organize the county of Coffee:

An act to change the time of holding the circuit courts for the county of Jefferson:

An act for the relief of Ann T. R. Wyatt:

An act to compensate certain persons therein named, and for other purposes:

In which the concurrence of the Senate is requested.

Mr. Baylor offered the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives on Tuesday, thirteenth inst., at twelve o'clock, M., to go into the election of a Secretary of State to fill the vacancy occasioned by the expiration of the term of service of William Garrett.

Mr. King moved the following amendment to the resolution offered by Mr. Baylor:

Resolved, That the two Houses will not vote for any candidate for the above named office, who does not previously lay before the two Houses at the time of the election, a statement in writing, that if elected, he will only receive such salary as the present General Assembly may fix.

Mr. McVay moved to lay the resolution with the amendment on the table; which was lost.

Mr. Baylor raised a point of order on the propriety of admitting the amendment offered by Mr. King.

Mr. President declared it to be in order, from which decision Mr. Baylor appealed; the Senate sustained the President in his decision.

The yeas and nays were then desired on the adoption of Mr. King's amendment.

Those who voted for it, are Messrs. Buford, Dailey, Hall, King, McVay, Oliver, Reese, Rodgers and Watrous—9.

Messrs. President, Arrington, Baylor, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Hunter, Jones, McConnell, Moores, Phillips, Ross, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J—20 voted in the negative.

So the amendment was not adopted.

The Senate then adopted the resolution of Mr. Baylor.

The following House bills were then severally read the first time and ordered to a second reading on to-morrow.

A bill to be entitled an act to change the time of holding the county court for the county of Jefferson:

A bill to be entitled an act to organize the county of Coffee:

A bill to be entitled an act compensate certain persons therein named, and for other purposes:

A bill to be entitled an act for the relief of Ann T. R. Wyatt.

Mr. Hudson offered the following resolution:

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of connecting together the State Bank and Branches in such a manner as to make them Branches of the mother Bank at Tuscaloosa, under proper rules and regulations, as Branches of the State Bank, and that they report by bill or otherwise.

Which resolution was adopted.

Mr. Watrous introduced a bill to be entitled an act to change the time of holding the county court of Bibb county; which was read the first time and ordered to a second reading on to-morrow.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—I am instructed to invite your honorable body to repair to the Hall of the House, for the purpose of electing a Judge of the county court of Russell county.

Which was concurred in.

Whereupon, the Senate repaired to the Hall of the House of Representatives. When seated, Mr. President announced the object for which the two Houses were assembled.

The two Houses then proceeded to the election of a Judge of the county court for Russell county—*Ulysses Lewis*, *Pierce L. Lewis*, and *John B. Tate*, being in nomination.

Those who voted for *Ulysses Lewis*, are Messrs. President, Arrington, Buford, Dent, Foster, Hunter, King, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Watkins and Watrous, of the Senate; and Messrs. Banks, Barclay, Bridges, Campbell, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Dunn, Earle, English, Erwin, Gardner, Gresham, Griffin, Hendrix, Henley, Hubbard, Jackson, Jones of Con. Jones of G. Kidd, McClung, McCoy, McLemore, McMillion, Miree, Mitchell, Moore of M. Morgan of C. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Rice, Scott, Storrs, Valliant, Walker, Ware, Watts, Williams of J. and Witherspoon, of the House of Representatives.

Those who voted for *Pierce L. Lewis*, are Messrs. Baylor, Brindley, Creagh, Hall, Hudson, Jones, McConnell, Toulmin, Walker, Walthall, and Wilson of J. of the Senate; and Messrs. Speaker, Barclay, Bishop,

Bothwell, Caffey, Cain, Clay, Dortch, Douglass, Dubose, Dunklin, Findley, Fletcher, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, Moore of P. Morgan of A. Morrison, Murphey, Norman, Pynes, Richeson, Robinson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward, of the House of Representatives.

Those who voted for *Mr. Tute*, are Messrs. Dailey and Wilson of F., of the Senate; and Messrs. Abernathy, Calhoun, Garland, Meriwether, and Morris, of the House of Representatives.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote a second time.

Those who voted for *Ulysses Lewis*, are Messrs. President, Arrington, Buford, Dent, Foster, Hunter, King, McVay, Moores, Oliver, Phillips, Reese, Ross, Thornton, Walthall, Watkins and Watrous, of the Senate; and Messrs. Banks, Barron, Cain, Campbell, Cochran, Cooper, Crowder, Cunningham, Dear, Dunn, Earle, English, Erwin, Gardner, Gresham, Griffin, Hendrix, Henley, Hubbard, Jackson, Jones of Con. Jones of G. Kidd, McClung, McCoy, McLemore, McMillion, Miree, Mitchell, Moore of M. Morgan of C. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Rice, Scott, Storrs, Walker, Ware, Watts, Williams of J. and Witherspoon, of the House of Representatives.

Those who voted for *Pierce L. Lewis*, are Messrs. Baylor, Brindley, Creagh, Hall, Hudson, Jones, McConnell, Rodgers, Toulmin, Walker, Wilson of F. and Wilson of J. of the Senate; and Messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Caffey, Calhoun, Clay, Dortch, Douglass, Dubose, Dunklin, Findley, Fletcher, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, Meriwether, Moore of P. Morgan of A. Morris, Morrison, Murphey, Norman, Pynes, Richeson, Robinson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward of the House of Representatives.

Those who voted for *Mr. Tute*, are Messrs. Dailey of the Senate; and Messrs. Garland of the House of Representatives.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote a third time.

Those who voted for *Ulysses Lewis*, are Messrs. President, Arrington, Buford, Dailey, Dent, Foster, Hunter, King, McVay, Moores, Oliver, Phillips, Reese, Ross, Thornton, Walthall and Watrous of the Senate; and Messrs. Banks, Barron, Campbell, Cochran, Cooper, Crowder, Cunningham, Dear, Dunn, Earle, English, Erwin, Gardner, Garland, Gresham, Griffin, Hendrix, Henley, Hubbard, Jackson, Jones of Con. Jones of G. Kidd, McClung, McCoy, McLemore, McMillion, Miree, Mitchell, Moore of Mad. Morgan of C. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Rice, Scott, Storrs, Walker, Ware, Watts, Williams of J. and Witherspoon, of the House of Representatives.

Those who voted for *Pierce L. Lewis*, are Messrs Baylor, Brindley,

Creagh, Hall, Hudson, Jones, McConnell, Rodgers, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J. of the Senate; and Messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Caffey, Cain, Clay, Dortch, Douglass, Dubose, Dunklin, Findley, Fletcher, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Meriwether, Moore of P. Morgan of A. Morris, Morrison, Murphey, Norman, Pynes, Richeson, Robinson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward of the House of Representatives.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote a fourth time.

Those who voted *Ulysses Lewis*, are messrs. President, Arrington, Buford, Dailey, Dent, Foster, Hunter, King, McVay, Moores, Oliver, Phillips, Reese, Ross, Thornton, Walthall, Watkins and Watrous of the Senate; and messrs. Banks, Barron, Cain, Campbell, Cochran, Cooper, Crowder, Cunningham, Dear, Dunn, Earle, English, Erwin, Gardner, Garland, Gresham, Griffin, Hendrix, Henley, Hubbard, Jackson, Jones of Con. Jones of G. Kidd, McClung, McCoy, McLemore, McMillion, Miree, Mitchell, Moore of Mad. Morgan of C. Morrisett, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Rice, Scott, Storrs, Walker, Ware, Watts and Witherspoon of the House of Representatives.

Those who voted for *Pierce L. Lewis*, are messrs. Baylor, Brindley, Creagh, Hall, Hudson, Jones, McAllister, Rodgers, Toulmin, Walker, Wilson of F. and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Caffey, Clay, Dortch, Douglass, Dubose, Dunklin, Findley, Fletcher, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kennedy of L. Kennedy of M. Kendrick, Lankford, Marchbanks, Martin, Meriwether, Moore of P. Morgan of A. Morris, Morrison, Murphey, Norman, Pynes, Richeson, Robinson, Roby, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Valliant, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward of the House of Representatives.

Ulysses Lewis having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Russell county for the term prescribed by the constitution.

The Senate then returned to its Chamber.

Mr. President resumed his Chair and called the Senate to order, when

On motion of Mr. Jones, the Senate adjourned till to-morrow at ten o'clock.

SENATE CHAMBER, Friday, December 13, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Walker presented the petition of sundry citizens of Benton county in behalf of Alexander Findley; which was referred to a select committee, consisting of Messrs. Walker, Foster and ———.

Mr. Dent presented the petition of Augustin Lynch; which was referred to the committee on military affairs.

Mr. Wilson of J. from the committee on roads, bridges and ferries, to which was referred the resolution of inquiry into the expediency of repealing the law exempting certain persons from working on the roads, reported it inexpedient to legislate on the subject, and asked to be discharged from the further consideration thereof; which report was concurred in.

Mr. Wilson, from the same committee, to which was referred a bill to be entitled an act to provide for working roads on beat lines, reported it inexpedient to legislate on the subject, as ample provision is made in the law as it now is.

On motion of Mr. Reese, the bill and report was ordered to lie on the table.

Mr. President laid before the Senate a letter of invitation from the Erosophic Society of the University of Alabama, to the Senate, requesting its presence at the delivery of the anniversary oration, by W. Gilmore Simms, Esq. of South Carolina, at ten o'clock on the thirteenth instant; which was laid on the table.

Mr. President also laid before the Senate the following letter:

To the Hon. President and Senate of Alabama—

Gentlemen—I beg leave to inform your honorable body that the annual commencement of the University of the State, will take place in the Rotundo, on Wednesday, December fourteenth, at ten o'clock, A. M. and would most respectfully invite your attendance on that occasion.

With the highest respect,

Your ob't serv't,

(Signed,)

B. MANLY,

President University of Alabama.

University of Alabama, December 13, 1842.

Which letter was laid on the table.

Mr. Hudson offered the following resolution—which was adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of reducing the number of judicial circuits to nine, and that they report at as early a day as practicable, by bill or otherwise.

Mr. McConnell offered the following resolution—which was adopted:

Whereas, Great injustice has been done the citizens of various townships in not receiving their distributive share of the moneys appropriated to aid valueless sixteenth sections; and, whereas, the officers of the State Bank and Branches wholly refuse to pay money upon properly authenticated vouchers for want of funds—

Be it therefore Resolved, That the committee on education inquire into the expediency of passing a law covering the premises, with leave to report by bill or otherwise.

Mr. McConnell also offered the following resolution—which was adopted:

Whereas, The titles to many of the tracts of land in the section of country in this State, ceded by the Creek tribe of Indians to the United

States, on the twenty-fourth of March, eighteen hundred and thirty-two, are yet unsettled, and thereby the improvement of the country is retarded: Therefore—

Be it Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it is highly desirable that the President of the United States should adopt the most prompt and efficient means in his power, either by appointment of an agent or otherwise, to settle and quiet the titles aforesaid, to receive and pay over to the Indians such moneys as are due and uncollected for them, and to close the execution of said treaty so far as the rights of the citizens of the ceded territory may be affected.

Resolved, That the Secretary of State transmit a copy of the foregoing resolution to the President of the United States, and to each of the Senators and Representatives in Congress from this State.

Mr. McConnell also presented the report of the Coosa river commissioners, and moved its reference to the committee on internal improvement and inland navigation; which motion prevailed.

The orders of the day were then taken up.

A bill to be entitled an act to change the time of holding the county court of Bibb county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bills from the House of Representatives, of the following titles, were severally read a second time and ordered to a third reading on to-morrow.

A bill to be entitled an act to change the time of holding the county court for the county of Jefferson:

An act to organize the county of Coffee:

An act to compensate certain persons therein named, and for other purposes.

Engrossed bill from the House of Representatives, entitled an act for the relief of Ann T. R. Wyatt, was read a second time and referred to the committee on the judiciary.

Engrossed bills of the following titles were severally read a third time and passed:

An act to revive an act entitled an act to incorporate the town of Fairfield in the county of Pickens.

An act to extend the provisions of an act approved December thirty-first, eighteen hundred and forty-one, entitled an act to establish jury trials in justices courts in certain counties in this State, and to regulate the proceedings therein, to the Counties of Butler and Pike.

Ordered that the titles remain unchanged.

A bill to be entitled an act to regulate, in part, the duties of the treasurer of Montgomery county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act amendatory of an act entitled an act for the better regulation of the State printing and altering the mode of paying for the same, was read a second time, and, on motion of Mr. Hudson referred to the committee on State printing.

A bill to be entitled an act to authorize the Judge of the county court

and commissioners of roads and revenue of Dallas county to execute titles to certain real estate, was read the second time and ordered to be engrossed for a third reading on to-morrow.

Which completed the orders of the day.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill to be entitled an act to extend the time for the collection of taxes in Cherokee county.

Also—Preamble and joint resolutions in favor of refunding to General Andrew Jackson the fine of one thousand dollars imposed on him by the Judge of the United States court for the District of Louisiana, with costs and interest thereon from the time of payment thereof; in which the concurrence of the Senate is requested.

The aforesaid preamble and joint resolutions, were read and adopted by the Senate.

Engrossed bill from the House entitled, an act to extend the time for the collection of the taxes in Cherokee county, was read the first time, and ordered to a second reading on to-morrow.

Mr. Ross presented a petition accompanied by a bill, to be entitled an act in relation to the sixteenth section, of township eleven, in range ten, which was read the first time—the constitutional rule was suspended, the bill read a second time, and together with the petition, was referred to the committee on education.

Mr. Phillips introduced a bill to be entitled, an act to require the several banks therein named, to resume specie payments; which was read the first time, and ordered to a second reading on to morrow.

Mr. Wallhall introduced a bill to be entitled, an act to secure to certain persons therein named, the exclusive privilege of navigating the Cahawba river with steam, for a limited time; which was read the first time and ordered to a second reading on to morrow.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives concurs in the resolution from the Senate, proposing to go into the election of Secretary of State, at twelve o'clock to day.

The President laid before the Senate the annual report of the State Treasurer.

On motion of Mr. Hudson, it was ordered to lie on the table, and the printing of one hundred and thirty three copies ordered.

Mr. Jones moved to reconsider the vote on ordering the printing of thirty three copies, of the bill introduced yesterday by Mr. Phillips; which was carried.

Mr. Jones moved to amend the order to print, so as to read one hundred and thirty three copies; which motion also was carried.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has adopted the following resolution:

Resolved, That the Senate be now invited into the Hall of the House, for the purpose of electing a judge of the county court of Sumter county; also, a Secretary of State.

Whereupon the Senate repaired to the Hall of the House. When seated, the President of the Senate announced the object for which the two Houses were assembled.

The two Houses first proceeded to the election of a Judge of the County Court of Sumter county—*Messrs. William E. Clarke, Gideon B. Frierson, George F. Sallee, Henry F. Scruggs, and Pleasant P. Tannehill*, were put in nomination.

Those who voted for *Mr. Clarke*, are messrs. Rodgers, and Walthall of the Senate; and messrs. Clay, Miree, Moore of P. and Robinson of the House—6.

Those who voted for *Mr. Frierson*, are messrs. President, Baylor, Brindley, Creagh, Dailey, Dent, Foster, Hall, Hudson, Jones, McClanahan, McConnell, McVay, Reese, Ross, Toulmin, Walker, and Wilson of F. of the Senate: *Messrs. Speaker, Abernathy, Banks, Bishop, Bothwell, Bridges, Caffey, Cain, Calhoun, Campbell, Cochran, Dortch, Douglass, Dubose, Dunklin, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Harris, Henderson, Harrison, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford, Marchbanks, McClung, McMillion, Meriwether, Morgan of A., Morris, Morrison, Murphey, Norman, Pettit, Pynes, Richeson, Skipper, Smith of L., Smith of P., Smith of T., Turner, Valiant, Walker, Ware, Whorton, Williams of P. Winston of DeK. Winston of S. Witherspoon, and Woodward of the House—80.*

Those who voted for *Mr. Sallee*, are messrs. Watkins of the Senate; and messrs. Erwin and Morrisett of the House—3.

Those who voted for *Mr. Scruggs*, are messrs. Arrington, Buford, Fleming, Hunter, King, Oliver, Phillips, Thornton, Watrous and Wilson of J. of the Senate; and messrs. Barclay, Barron, Cooper, Crowder, Cunningham, Dear, Dunn, Earle, English, Findley, Griffin, Henley, Jones of Con., Jones of G. Martin, McCoy, McLemore, Mitchell, Moore of M. Morgan of C. Mundy, Norris, Oliver, Pickett, Rice, Roby, Scott, Storrs, Tate, Watts, and Williams of J. of the House—41.

Mr. Gideon B. Frierson having received a majority of all the votes cast, was declared by Mr. Speaker duly and constitutionally elected Judge of the County Court of Sumter county, for the term prescribed by the constitution.

The two houses proceeded next to elect a Secretary of State—*Wm. Garrett* alone being in nomination, was voted for by messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hall, Hudson, Hunter, Jones, King, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J. of the Senate; messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bothwell, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Jackson, Jones of Con. Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Lankford,

Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of M. Moore of P. Morgan of A., Morgan of C. Morris, Morrison, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Valiant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward, of the House of Representatives—127.

Mr. Garrett having received the whole number of votes given, *Mr. Speaker* declared him duly and constitutionally elected Secretary of State, for the term prescribed by the constitution.

The Senate then returned to its chamber, and *Mr. President* resumed his Chair.

Mr. Jones moved that when the Senate adjourn, it adjourns to meet on Thursday, at ten o'clock: which motion was lost.

Mr. Phillips moved that when the Senate adjourn, it adjourns to meet on Thursday, at half past ten o'clock; on which motion, *Mr. Hall* desired the yeas and nays, which resulted as follows:

YEAS—messrs. President, Arrington, Baylor, Buford, Dent, Foster, Hunter, Jones, King, McConnell, Phillips, Reese, Ross, Thornton, Walker, Walhall, and Watrous—17.

NAYS—messrs. Brindley, Creagh, Dailey, Fleming, Hall, McVay, Oliver, Rodgers, Toulmin, Watkins, and Wilson of F.—12.

So *Mr. Phillips'* motion prevailed.

On motion the Senate then adjourned till half past ten o'clock on Thursday.

SENATE CHAMBER, Thursday morning, 15th December, 1842.

The Senate met pursuant to adjournment.

The minutes of Tuesday were read and approved.

Mr. McConnell presented the petition of sundry citizens of the county of Talladega, of section sixteen, township twenty-one, range four; which was referred to the committee on propositions and grievances.

Mr. Dailey presented the petition of sundry citizens of the county of Tallapoosa; which was referred to the committee on the judiciary.

Mr. Wilson of F. from the committee on privileges and elections, to which was referred an act to repeal a certain act therein named, reported the same back without amendment, and recommended its passage; which bill was placed among the orders of the day.

Mr. Baylor from the committee on education, to which was referred the petition of sundry citizens of Turnbull, Monroe county, reported a bill in partial compliance therewith; which bill was read a first time, and ordered to a second reading on to-morrow.

Mr. McVay from the committee on propositions and grievances, to which was referred so much of the Governor's message as relates to the execution of slaves for capital offences, reported a bill covering the premises, to be entitled an act to repeal in part and amend an act in part and

amend an act therein named; which was read the first time and ordered to a second reading on to-morrow.

Mr. Baylor from the committee on education, to which was referred so much of the Governor's message as relates to the repeal of the law appropriating two hundred thousand dollars in aid of valueless sixteenth sections, reported a bill to be entitled an act to repeal the several acts making appropriations in aid of valueless sixteenth sections; which was read the first time and ordered to a second reading on to-morrow.

Mr. Walker from the select committee, to which was referred the petition of citizens of Benton county, in behalf of Alexander Findley, reported a bill to be entitled an act to extend an act entitled an act granting certain privileges to Alexander Findley of De Kalb county, approved December thirty-one, eighteen hundred and forty-two; which was read the first time, and ordered to a second reading on to-morrow.

Mr. McConnell offered the following resolution—which was adopted:

Resolved, That the committee on privileges and elections inquire into the expediency of amending, so as to require the returning officers of various precincts to be sworn to act according to law, before entering on the discharge of their duties.

Mr. Fleming presented the report of the commissioners appointed to examine the Branch Bank at Huntsville; which was laid on the table, and five hundred copies ordered to be printed.

Mr. President laid before the Senate a report and accompanying documents, from the Cashier of the State Bank at Tuscaloosa; also, a communication from John Whiting, Esq., Cashier of the Branch Bank at Montgomery; which were referred to the committee on the State Bank.

Mr. Hall offered the following resolution:

Resolved That the Chairman of the State Bank committee be instructed to address the Cashier of the State Bank, and the Cashiers of the Branches at Decatur, Huntsville, and Montgomery, requesting them to transmit to the Senate the amount paid their respective attorneys, by way of salary, commissions, and fees, upon litigated cases, sixteenth section notes, and all other fees and perquisites of every kind and description, for the years eighteen hundred and forty-one and eighteen hundred and forty-two; which was adopted.

Mr. Hudson offered the following resolution—which was adopted:

Resolved, That with the consent of the House of Representatives, the two Houses will assemble in the hall of the House, on Monday, nineteenth instant, at the hour of twelve, noon, for the purpose of electing a Senator to the Congress of the United States.

Mr. Thornton offered the following resolution—which was adopted:

Resolved, by the Senate of the State of Alabama, That during the present session, the number of five may constitute a quorum of the Judiciary committee.

Mr. Toulmin presented the account of Jos. E. Caro; which was referred to the committee on accounts and claims.

Mr. Hudson offered the following resolution—which was adopted:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of altering and amending the laws in relation

to the estates of deceased persons, with leave to report by bill or otherwise.

Mr. President laid before the the Senate a communication from John A. Hurst, F. H. Trammell and J. Thornton; which was referred to the committee on education.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill to alter the name of the town of Irwinton in Barbour county in this State, to that of Eufaula, in which the concurrence of the Senate is requested.

Which bill was read the first time in the Senate, and ordered to a second reading on to-morrow.

The Senate then proceeded to the consideration of the orders of the day.

Bills of the following titles were severally read the third time and passed—

An act to change the time of holding the county court of Bibb county:

An act to compensate certain persons therein named, and for other purposes:

An act to organize the county of Coffee:

An act to change the time of holding the county court for the county of Jefferson:

An act to regulate in part the duties of the Treasurer of Montgomery county:

An act to authorize the Judge of the county court, and commissioners of roads and revenue, of Dallas county, to execute titles to certain real estate.

Ordered that their titles remain as aforesaid.

A bill from the House for the relief of Ann T. R. Wyatt, was read the second time.

Mr. Walker moved its reference to the judiciary committee; which was lost.

The question recurred on its being ordered to a third reading on to-morrow, on which Mr. Creagh desired the yeas and nays—

Messrs. President, Arrington, Baylor, Creagh, Hall, Hudson, McClanahan, McVay, Phillips, Reese, Rodgers, Walker, Watkins, and Wilson of F. voted in the negative—14.

Messrs. Brindley, Buford, Dailey, Dent, Fleming, Foster, Hunter, Jones, King, McConnell, Moores, Oliver, Ross, Toulmin, Walthall, Watrous, and Wilson of J. voted in the affirmative—17.

So the bill was ordered to a third reading on to-morrow.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives concur in the resolution of the Senate, proposing to go into the election of a Senator to Congress, on Monday next, at twelve o'clock, M., and have passed a resolution proposing to go into the election of a Judge of the county court of Perry county, on Monday next, at twelve o'clock, M., in which the concurrence of the Senate is requested.

The Senate concurred therein.

A bill to extend the time for the collecting of the taxes in Cherokee county, was read a second time and ordered to a third reading on to-morrow.

A bill to require the several Banks therein named, to resume specie payments, was read a second time; and on motion of Mr. Phillips, ordered to lie on the table.

A bill to secure to certain persons therein named, the exclusive privilege of navigating the Cahawba river with steam for a limited time, was read a second time and referred to the judiciary committee.

A bill to repeal in part a certain act therein named, was read a second time, and ordered to be engrossed.

Mr. McConnell introduced a bill to be entitled an act to change the direction of tax fees in the county of Talladega; which was read the first time and ordered to a second reading on to-morrow.

(Mr. McVay in the Chair,) Mr. President offered the following resolution—which was adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of enacting a law authorizing administrators, with the will annexed, as well as executors to convey titles to real estate, with leave to report by bill or otherwise.

On motion of Mr. Jones, the bill to be entitled an act to place in liquidation the Branch of the Bank of the State of Alabama at Decatur was taken from the table.

On motion of Mr. Hudson, said bill was read a second time and referred to the State Bank committee.

Mr. Buford introduced a bill to be entitled an act for the relief of Marty Jane Jones; which was read the first time and ordered to a second reading on to-morrow.

Mr. Oliver introduced a bill in relation to prairie roads in the counties of Montgomery and Lowndes; which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Hudson, the Senate then adjourned till ten o'clock, to-morrow.

SENATE CHAMBER, Friday, Dec. 16, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Watkins presented the petition of sundry citizens of township nine, range nine, in Monroe county; which was referred to the committee on education.

Mr. Hudson presented the accounts of Wm. Garrett and of Thomas Harrison; which were referred to the committee on accounts and claims.

Mr. McVay, from the committee on propositions and grievances, to which was referred the petition of sundry citizens of Lowndes county, in behalf of Thomas P. Spriono, reported it inexpedient to grant the prayer of the petitioners; which report was ordered to lie on the table.

Mr. Thornton, from the judiciary committee, to which was referred a bill to secure the homestead of every family within the State, reported

the same back to the Senate, with the expression of the opinion, that it was inexpedient to pass the same—which report, on motion of Mr. McConnell, was ordered to lie on the table.

Mr. Thornton, from the same committee to which was referred a bill to repeal an act entitled an act, to prevent the sacrifice of real estate, reported it back to the Senate, with the opinion, that it was inexpedient to pass the same.

Mr. Creagh moved to lay the report on the table; which was lost.

Mr. McConnell moved to concur in the report.

On which Mr. King desired the yeas and nays—which resulted in the concurrence of the Senate in the report of the committee:

Messrs. Baylor, Brindley, Buford, Creagh, Dent, Fleming, Foster, Hall, Hudson, Jones, McConnell, McVay, Oliver, Rodgers, Ross, Thornton, Walthall, Watkins, Wilson of F. and Wilson of J. voting in the affirmative—20.

And Messrs. President, Arrington, Dailey, Hunter, King, McClanahan, Moores, Phillips, Reese and Toulmin, voting in the negative—10.

Mr. Thornton, from the same committee, to which was referred a resolution of inquiry into the expediency of reducing the rate of interest, from eight to six per cent per annum, reported it inexpedient to legislate on the subject; which report, on motion of Mr. Baylor was ordered to lie on the table.

Mr. Thornton, from the same committee, to which was referred so much of the Governor's message, as relates to suspending the operations of the Branch Bank at Mobile, and placing its affairs in a state of liquidation, reported back the resolution to the Senate, so that it may be referred to the State Bank committee, which has already before it all the reports and other documents affording the information, necessary to be had in determining upon the proposition.

The resolution was accordingly referred to the State Bank committee.

Mr. Thornton, from the same committee, to which was referred joint resolutions proposing to alter the twelfth section of the fifth article of the Constitution of the the State of Alabama, making the Judges of the county courts elective by the people; reported, that it is inexpedient to alter the Constitution as proposed, so long as the county courts have the extensive common law jurisdiction, which they now possess; which, on motion of Mr. Hudson, was ordered to lie on the table.

Mr. Toulmin, from the committee on the State Bank, to which was referred the resolutions adopted at the meeting of a portion of the citizens of Russell county, report it inexpedient to enact the laws recommended in said resolutions.

The committee deem it inexpedient to report a bill to repeal the act making appropriations for the benefit of valueless sixteenth sections, as a bill to that effect is now before the Senate; and the bill to raise a revenue must necessarily originate in the House of Representatives. The committee therefore ask to be discharged from the further consideration of the subject. Granted.

Mr. Toulmin introduced a bill to be entitled an act to revive and continue the President and Trustees of Pine Land Academy in Mobile coun-

as a body corporate; which was read a first time, and ordered to a second reading on to-morrow.

Mr. Buford offered the following resolution—which was adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of committing to the Penitentiary for safe keeping, persons arrested for slave stealing, or other capital felony, in cases where the county jail is insufficient, with leave to report by bill or otherwise.

Mr. Moores offered the following resolution—which was adopted: 21

Resolved, That the committee on education be instructed to inquire into the propriety of repealing the law allowing a per diem pay to Trustees of the University of Alabama. And

Resolved further, That the said committee inquire into the expediency of increasing the number of Trustees—of lengthening the duration of their offices, and giving said Trustees power to appoint an executive committee, convenient to the University, with power to transact ordinary business.

Mr. Reese presented the petition of Jesse Johnson and others, of township seventeen; which was referred to the committee on education.

Mr. President laid before the Senate the report of the Commissioners of the Alabama Life Insurance and Trust Company at Mobile; which was laid on the table.

Mr. Reese presented the petition of Jesse Johnson and others of township eighteen; which was referred to the committee on education.

Mr. Reese presented the petition of Alexander Campbell and others; which was referred to the committee on education.

Mr. Walthall offered the following resolution—which was adopted:

Resolved, That the Secretary of State be directed to furnish to the Senate, as soon as practicable, an abstract of the census of the several counties of this State, as last taken by Federal as well as State authority.

The Senate then took up the orders of the day.

Bills of the following titles were read a second time and ordered to be engrossed for a third reading on to-morrow, viz:

An act to incorporate the Male and Female Academy at the village of Turnbull, in the county of Monroe:

And an act to change the direction of tax fees in the county of Talladega.

A bill reported by the committee on propositions and grievances to be entitled an act to repeal in part and amend an act therein named, was read a second time.

Mr. Creagh moved to strike out the words "one half," and desired the yeas and nays thereon.

Those who voted in the affirmative are, Messrs. President, Brindley, Creagh, Fleming, Hall, Hudson, Hunter, King, McConnell, Moores, Rodgers, Toulmin and Walthall—13.

Those who voted in the negative are, Messrs. Arrington, Baylor, Buford, Dailey, Dent, Foster, Jones, McClanahan, McVay, Oliver, Ross, Thornton, Watkins, Wilson of F. and Wilson of J.—15.

The Senate refused to strike out.

Mr. Creagh then proposed the following amendment: "Section twen-

ty-one, chapter five, shall be so amended as to require a fine of five hundred dollars and imprisonment in the county jail, at the instance of the jury trying the same; and that any thing that conflicts with said amendment is hereby repealed."

Mr. Jones moved to refer the bill and amendment to a select committee; which was carried, and Messrs. Jones, Creagh and Buford were appointed said committee.

The bill to repeal the several acts making appropriations in aid of the useless sixteenth sections was read a second time.

Mr. Baylor moved to lay the bill on the table.

Mr. Hudson moved to postpone the bill until twelve o'clock on Thursday next, and make it the special order for that hour; which was carried.

The bill granting certain privileges to Alexander Findley of De Kalb county was read the second time.

Mr. Hudson moved to strike out so much of the bill as authorized the sale of spirituous liquors without license.

On motion of Mr. Foster the bill was laid on the table.

The bill from the House of Representatives for the relief of Ann T. Wyatt, was read the third time.

Mr. Hall moved to amend by way of engrossed rider, as follows:

"*Provided*, however, that the provisions of this act shall only extend to the property bequeathed to Ann T. R. Wyatt, by her father, T. C. Robinson, Sen. deceased; which was adopted.

The question then recurred on the passage of the bill.

Mr. Rodgers desired the yeas and nays.

YEAS—Messrs. Buford, Dailey, Dent, Fleming, Foster, Hunter, Jones, King, McVay, Moores, Oliver, Ross, Toulmin, Walthall and Wilson of J.—15.

NAYS—Messrs. President, Arrington, Baylor, Brindley, Creagh, Hall, Hudson, McClanahan, McConnell, Phillips, Reese, Rodgers, Watkins, Watrous and Wilson of F.—15.

So the bill was lost.

The bill to extend the time for the collection of taxes in Cherokee county, was read a third time and passed.

Ordered, that the title remain unchanged.

The bill to repeal in part a certain act therein named, was read the third time.

The yeas and nays were desired on its passage:

YEAS—Messrs. Baylor, Brindley, Buford, Dailey, Dent, Fleming, Foster, Hudson, Hunter, Jones, King, McClanahan, McVay, Moore, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Walthall, Watrous and Wilson of F. and Wilson of J.—24.

NAYS—Messrs. President, Creagh, Hall, McConnell, Toulmin, and Watkins—6.

So the bill passed.

The bill to alter the name of Irwinton in Barbour county in this State, to that of Eufaula, was read the second time ordered to a third reading.

The bill for the relief of Mary Jane Jones, was read the second time.

Mr. McConnell moved its reference to the committee on divorce and alimony; which was lost.

The question recurred on ordering the bill to be engrossed.

Mr. Rodgers desired the yeas and nays:

YEAS—Messrs. Brindley, Buford, Dailey, Dent, Fleming, Foster, Hall, Hunter, Jones, King, McConnell, Moores, Ross, and Walthall—14.

NAYS—Messrs. President, Arrington, Baylor, Creagh, Hudson, McClanahan, McVay, Phillips, Reese, Rodgers, Toulmin, Watkins, Watrous, Wilson, of F. and Wilson of J.

The Senate refused to order the bill to be engrossed.

The bill in relation to prairie roads in the counties of Montgomery and Lowndes, was read the second time and referred to the committee on roads, bridges and ferries.

Which completed the orders of the day.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has passed bills of the following titles:

An act for the relief of James Pickens:

An act for the relief of William R. Bracken:

An act for the relief of a certain person therein named:

A bill to authorize the clerks of the circuit and county courts of the county of Wilcox, and the register in chancery, to make out and keep reversed indexes of all causes decided in their respective courts:

An act to alter the mode of assessing and collecting the taxes in the county of Sumter.

The House has also adopted the following joint resolution from the Senate:

Joint resolutions of the State of Alabama in General Assembly convened, in relation to the territory ceded by the Creek Indians to the United States.

The House has also adopted the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives, on Saturday next, at twelve o'clock, M., for the purpose of electing a Judge of the county court of Tallapoosa county, in which the concurrence of the Senate is requested.

The Senate concurred therein.

Bills of the following titles, from the House of Representatives, were read the first time, and ordered to a second reading on to-morrow:

An act for the relief of James Pickens:

An act for the relief of William R. Bracken:

An act to authorize the clerks of the circuit and county courts for the county of Wilcox, and the register in chancery, to make out and keep reversed indexes of all causes decided in their respective courts:

An act to amend an act to alter the mode of assessing and collecting the taxes in the county of Sumter:

An act for the relief of a certain person therein named, was also read the first time.

The question was on ordering the bill to a second reading. Mr. Hudson desired the yeas and nays.

YEAS—messrs. President, Arrington, Brindley, Buford, Creagh, Fleming, Foster, Hall, Hunter, Jones, McConnell, Phillips, Reese, Ross, Thornton, Toulmin, Walthall, Watkins, Watrous and Wilson of F.

NAYS—messrs. Dailey, Dent, Hudson, King, McClanahan, McVay, Moores, Rodgers and Wilson of J.

Mr. Dent introduced a bill to establish and regulate the proceedings in justices' courts in this State; which was read a first time.

Mr. Dent moved to suspend the constitutional rule, and give the bill a second reading forthwith; which was lost.

So the bill was ordered to a second reading on to-morrow.

Mr. Walthall offered the following resolution:

Resolved, That the committee appointed to draft and report a bill districting the State into Congressional districts, be instructed to form as nearly equal as may be, having regard to the white population alone.

Mr. Thornton moved to postpone the resolution until Tuesday, at twelve o'clock, and make it the special order for that hour; which was carried.

On motion of Mr. McConnell, the Senate adjourned to ten o'clock to-morrow.

SENATE CHAMBER, Saturday, Dec. 17, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday's proceedings were read and approved.

Mr. Thornton, from the committee on the judiciary, to which was referred a resolution instructing them to inquire into the expediency of abolishing the common law jurisdiction of the county courts, reported a bill in compliance therewith, to be entitled an act to abolish the common law jurisdiction of the county courts in this State; which bill was read the first time, and ordered to a second reading on to-morrow.

Mr. Wilson of F. introduced a bill to be entitled an act to regulate the rate of interest. The bill was read the first time, and ordered to a second reading on to-morrow.

Mr. President laid before the Senate a communication, and accompanying documents, from the Secretary of State; which, on motion of Mr. McClanahan, was ordered to lie on the table, and thirty-three copies ordered to be printed.

Mr. Creagh offered the following resolution—which was adopted:

Resolved, That the judiciary committee inquire into the expediency of taxing the brokers of this State; and that they report by bill or otherwise.

Mr. Dent offered the following resolution:

Resolved, That the military committee be instructed to inquire into the expediency of making an allowance to Abraham Berry, of Tuscaloosa county, for keeping and taking care of the camp equipage of the fifth brigade, second division, Alabama militia, with leave to report by bill or otherwise; which was adopted.

Mr. Phillips offered the following resolution :

Resolved, That thirty-three copies of the reports from the State Bank and Branches, of the indebtedness of the members of the present General Assembly, be printed for the use of the Senate ; which, on motion of Mr. Dent, was laid on the table.

The Senate then proceeded to the consideration of the orders of the day.

A bill to revive the act of incorporation of the Pineland Academy, in Mobile county, was read a second time, and referred to the committee on education;

An engrossed bill of the following title, was read the third time and passed :

An act to incorporate the Male and Female Academy at the village of Turnbull, in Monroe county.

Ordered, that the title remain unchanged.

An act to change the direction of tax fees in the county of Talladega.

Mr. Foster moved to amend the bill by way of engrossed ryder, by inserting the word "Cherokee" after "Talladega," and changing the word "county" to "counties;" which was adopted.

Mr. Dailey moved further to amend, by adding the word "Tallapoosa" after "Cherokee;" which was adopted ; and the bill, as amended, passed the Senate.

Ordered, that the title be so altered as to correspond with the bill as amended.

Engrossed bill from the House, entitled an act to change the name of the town of Irwinton, in Barbour county, in this State, to that of Eufaula; was read a third time and passed.

Ordered, that the title remain as aforesaid.

Engrossed bills from the House, of the following titles, were read a second time and referred to the committee on accounts and claims:

On motion of Mr. Hudson—an act for the relief of James Pickens—and an act for the relief of Wm. R. Bracken.

The bill to establish and regulate Justices' Courts in this State; was read a second time and referred to the judiciary committee.

Engrossed bills from the House, of the following titles, were severally read the second time and ordered to a third reading on to-morrow:

An act for the relief of a certain person therein named:

An act to authorize the Clerks of the Circuit and County Courts of the county of Wilcox and the Register in Chancery, to make out and keep reversed indexes of all causes decided in their respective courts:

And an act, to amend an act, to alter the mode of assessing and collecting the taxes in the county of Sumter;

Which completed the orders of the day.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives, has passed bills of the following titles, viz:

An act to repeal an act, therein named:

An act to alter the winter term of the County Court of Covington county:

An act to compensate Henry Farrar, for a slave executed in pursuance of law:

An act to regulate the purchase of timber, for the use of roads, in Dallas county:

An act to change the name of the county seat of Cherokee county:

An act to extend the provisions of an act, therein named, to the counties of Coosa, Russell and Henry.

Also joint resolutions, proposing amendments to the Constitution.

In which the concurrence of the Senate is respectfully requested.

The bills and joint resolutions contained in the foregoing message, were severally read the first time in the Senate, and ordered to a second reading on Monday.

Mr. Hunter offered the following resolution—which was adopted:

Resolved, That the Comptroller be requested to transmit immediately to the chairman of the committee on accounts and claims, each record of conviction capital of any slave that may have been forwarded to his office.

(Mr. Fleming in the chair,) Mr. President proposed the following resolution—which was adopted:

Resolved, That the committee on education be instructed to inquire into the propriety of levying a tax upon every species of property sufficient to educate the children of indigent persons only in each township, in this State, where sixteenth sections does not yield a fund sufficient for that purpose, with leave to report by bill or otherwise.

Mr. Jones introduced a bill to be entitled an act for the stay of executions in certain cases, and for other purposes therein named; which was read the first time.

Mr. President moved its indefinite postponement, and desired the yeas and nays on his motion; which was lost—yeas 9, nays 22.

Those who voted in the affirmative, are messrs. President, Hunter, McClanahan, McVay, Moores, Phillips, Reese, Thornton, and Walker—9.

NAYS—Messrs. Arrington, Baylor, Brindley, Buford, Creagh, Dailley, Dent, Fleming, Foster, Hall, Hudson, Jones, King, Oliver, Rodgers, Ross, Toulmin, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J—22.

The question then recurred on ordering the bill to a second reading on to-morrow; which was carried.

Mr. Ross from the committee on enrolled bills, reported that the committee examined and found correctly enrolled joint resolutions of the General Assembly of Alabama, in relation to the territory ceded by the Creek Indians to the United States.

Mr. Clitherall brought a message from the House of Representatives, inviting the Senate into the Hall of the House for the purpose of electing a Judge of the county court of Tallapoosa county.

Whereupon the Senate proceeded to the Hall of the House, were seated, and Mr. President announced the object for which the two Houses had assembled.

The two Houses then proceeded to the election.

Leroy Gresham and — *Leftwich*, being in nomination.

Those who voted for *Mr. Gresham*, are Messrs. Arrington, Buford, Dent, Hall, Hunter, King, Moores, Oliver, Phillips, Reese, Thornton, and Watrous, of the Senate; and Messrs. Speaker, Banks, Barron, Bridges, Caffey, Cain, Calhoun, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dortch, Douglass, Dunn, English, Erwin, Fletcher, Gardner, Garland, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hodges, Jackson, Jones of Conecuh, Jones of Covington, Jones of Greene, Kendrick, Kennedy of L. Kidd, McClung, McCoy, McLemore, McMillion, Meriwether, Mitchell, Moore of M. Morgan of A. Morgan of C. Morrisett, Norman, Norris, Oliver, Pettit, Pickett, Porter, Rice, Robinson, Roby, Skipper, Storrs, Tate, Valliant, Walker, Ware, Watts, Winston of S. Witherspoon and Woodward, of the House—76.

Those who voted for *Mr. Leftwich*, are Messrs. President, Baylor, Brindley, Creagh, Dailey, Foster, Hudson, Jones, McClanahan, McConnell, McVay, Rodgers, Ross, Toulmin, Walker, Walthall, Watkins, Wilson of Fayette, and Wilson of J. of the Senate; and Messrs. Abernathy, Barclay, Bishop, Bothwell, Dubose, Dunklin, Earle, Findley, Fowler, Gamble, Gasque, Hill, Hubbard, Kennedy of M. Lankford, Marchbanks, Martin, Moore of P. Morris, Morrison, Mandy, Murphey, Pynes, Richeson, Scott, Smith of P. Turner, Whorton, Williams of J. and Williams of P., of the House—49.

Leroy Gresham, having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Tallapoosa county, for the term prescribed by the constitution.

The Senate then retired to its chamber, and Mr. President resumed the chair.

Mr. Dent presented the account of David H. Trott; which was referred to the committee on accounts and claims.

Mr. Rodgers offered the following resolution—which was adopted:

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of compelling all merchants and venders of goods and merchandise of any description, to take out a license; and that they report by bill or otherwise.

Mr. Wilson, of J. moved a reconsideration of the vote taken on yesterday, on ordering to be engrossed a bill for the relief Mary Jane Jones; the vote was accordingly reconsidered, and the bill was, on motion, placed among the orders for to-morrow.

Mr. Watrous moved a reconsideration of the vote on the passage of the bill for the relief of Ann T. R. Wyatt, taken on yesterday; the vote was reconsidered, and on motion of Mr. Hudson, the bill was placed among the orders for to-morrow.

Mr. Rodgers moved to take from the table, the bill to secure a homestead to every family in this State, and place it among the orders for to-morrow; which motion was carried.

The Senate then adjourned till ten o'clock on Monday.

SENATE CHAMBER, Monday, 19th December, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. McConnell presented the petition of sundry citizens of township nineteen, range five east, in Talladega county; which was referred to the committee on education.

Also, the petition and account of H. A. Dufrese; which was referred to the committee on Indian affairs.

Mr. Fleming from the committee on county boundaries, to which was referred a bill to attach a part of Fayette to Walker county, reported the bill back to the Senate, and recommended its passage; the bill was accordingly placed among the orders of the day.

Mr. Phillips from the committee on retrenchment, made the following report, to wit:

The committee on retrenchment, to which was referred the resolution of inquiry into the propriety of reducing the salaries, fees and perquisites of various officers of this State, have had the same under consideration, and have instructed me to report a bill and recommend its passage:

A bill to be entitled an act to reduce the fees of the clerks of the several courts of this State, sheriffs and other officers; was read the first time, and ordered to a second reading on to-morrow.

Mr. Phillips from the same committee, to which was referred by resolution, so much of the Governor's message as relates to economy in the public expenses, reported a bill and recommended its passage:

A bill to reduce the salaries of certain officers therein named, was read the first time and ordered to a second reading on to-morrow.

Mr. Phillips from the same committee, to which was referred the proposition to reduce the compensation of the officers and members of the Senate and House of Representatives, reported a bill and recommended its passage:

A bill to be entitled an act to reduce the compensation of the officers and members of the General Assembly; was read the first time and ordered to a second reading on to-morrow.

Mr. King from the same committee, to which was referred so much of the Governor's message as relates to the annual expenses of the State Bank and its Branches, reported a bill and recommended its passage:

An act to reduce the salaries of bank officers, was then read the first time and ordered to a second reading on to-morrow.

Mr. Dent introduced a bill to incorporate the Manufacturing Company; which was read the first time and ordered to a second reading on to-morrow.

Mr. McConnell introduced a bill to change the time of holding the winter session of the County Court of Talladega county, and for other purposes, which was read the first time and ordered to a second reading on to-morrow.

Mr. President laid before the Senate the report of James E. Belser, Esq., agent of the State of Alabama; which was referred to the committee on federal relations.

Mr. Phillips from the committee on retrenchment, to which was referred a bill to be entitled an act to regulate and define the fees of the Judges of the County Courts, and for other purposes, reported the same back to the Senate, and recommended that no further action be had on the subject, as a bill covering the premises is now before the Senate.

On motion of Mr. Hudson, the bill and report were ordered to lie on the table.

Mr. Hall proposed the following resolutions—which were adopted:

Resolved, That the chairman of the State Bank committee, be instructed to address the Cashier of the Branch Bank at Montgomery, and request him to inform the Senate, what amount of bills of exchange were purchased by said Bank in eighteen hundred and thirty-six and seven, of the Emigrating Company of the Creek Indians; state whether the company did not enter into an agreement with the board to pay said Bank in specie or specie funds, if the board would purchase their bills; state whether those bills were paid in specie funds or not; and if not, what amount the Bank lost in not receiving such funds as were promised by said Company; state what amount of damage accrued upon their protested paper, and whether those damages have been settled by the board or collected; state every thing connected with the transaction; and also who of the board belonged to that Company at the time the bills were purchased; and who, at the time of their settlement.

And be it further resolved, That said Cashier furnish the Senate with the following information, to wit:

1st. Whether the President or any of the Directors of said Bank, were under protest, and if so, how long have they been under protest.

2d. What is the amount of the paper so protested, and at what time said paper was made, and at what time it came to maturity.

3d. State what was the description of the paper; whether bills or notes, and whether they are principal, endorser or securities on said protested paper.

4th. State whether any execution or executions have been obtained by said Bank against the President or any of the Directors, during the year eighteen hundred and forty-one and forty-two, and if there is or has been any executions against those (no matter when obtained) State the amount and the situation of the same, at this time.

The Senate then proceeded to the consideration of the orders of the day.

An act to abolish the common law jurisdiction of the County Courts, was the second time; and on motion of Mr. Hudson, postponed till Saturday next, at twelve o'clock, M. and made the special order for that hour.

The following bills were severally read the second time, and ordered to be engrossed for a third reading on to-morrow:

An act for the relief of Mary Jane Jones:

An act to regulate the rate of interest:

And an act to attach a part of Fayette to Walker county.

Bill from the House of Representatives, entitled an act for the relief of a certain person therein named; was read the third time.

Mr. Rodgers desired yeas and nays on its passage.

YEAS—Messrs. President, Arrington, Creagh, Fleming, Hall, Hunter, Jones, McConnell, Moores, Oliver, Phillips, Reese, Thornton, Toulmin, Walker, Walthall, Watkins, Watrous and Wilson of F.—19.

NAYS—Messrs. Brindley, Baylor, Dailey, Dent, Hudson, King, McClanahan, McVay, Rodgers and Wilson of J.—10.

So the bill passed.

Ordered, that the title remain unchanged.

An act to authorize the Clerks of the Circuit and County Courts of Wilcox county and the Register in Chancery, to make out and keep revised indexes of all causes decided in their respective courts, was read the second time and on motion of Mr. Baylor, referred to a select committee—Messrs. Baylor, Ross and Hudson were appointed said committee.

An act to amend an act, to alter the mode of assessing and collecting the taxes of Sumter county, was read the second time, and on motion of Mr. Jones, referred to a select committee—Messrs. Jones, Reese, and Phillips, were appointed said committee.

The act to compensate Henry Farrar, for a slave executed in pursuance of law, was read the second time, and on motion of Mr. Hudson, referred to the committee on accounts and claims.

The following bills were then read the second time and ordered to a third reading on to-morrow:

An act to repeal an act, therein named:

An act to alter the winter term of the County Court of Covington county:

An act, to regulate the purchase of timber, for the use of the roads in Dallas county:

An act to change the name of the county seat of Cherokee county

An act to extend the provisions of an act therein named, to the counties of Coosa, Russell and Henry.

Joint resolutions, proposing amendments to the Constitution; were read the second time and referred to a select committee—consisting of Messrs. Hudson, Baylor and Foster:

An act for the stay of executions in certain cases and for other purposes therein named, was read a second time and referred to a select committee—composed of Messrs. Jones, Buford and Walthall:

An act for the relief of Ann T. R. Wyatt, was read the third time, and referred to a select committee—consisting of Messrs. Hunter, Hall and Hudson.

An act to secure a homestead to every family within this State was read the second time and referred to a select committee,—composed of Messrs. Hudson, Wilson of J. and Phillips.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President: the House of Representatives has passed the following bill:

An act to abolish brigade encampment drills in this State, and for other purposes; in which the concurrence of the Senate is requested.

Which bill was read the first time, and ordered to a second reading on to-morrow.

Mr. Hudson offered the following resolution—which was adopted:

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of repealing all the laws now in force on the subject of compelling persons to take the duelling oath, in any case whatever, and that they report by bill or otherwise.

Mr. Thornton presented the petition of sundry citizens of Greene county praying to be attached to Perry county; which was referred to the committee on county boundaries.

Mr. Dailey introduced a bill to repeal in part an act entitled an act to prevent frauds in elections; which was read the first time, and ordered to a second reading.

Mr. Baylor introduced a bill to be entitled an act better to regulate judicial proceedings; which was read the first time, and ordered to a second reading.

Mr. President laid before the Senate a communication from the Comptroller of Public Accounts; which was laid on the table.

Mr. Buford, from the committee on education, to which was referred the petition of David Dulany and others, reported a bill for the relief of David Dulany; which was read the first time, and ordered to a second reading.

Mr. Hunter, from the select committee, to which was referred the bill for the relief of Ann T. R. Wyatt, reported that they had stricken out the proviso which was added by way of engrossed ryder, and substituted the following:

Provided however, That the provisions of this bill shall extend to the property bequeathed to Ann T. R. Wyatt by her father, Todd Robinson, Sr. deceased, and not to any property hereafter to be conveyed to said Ann T. R. Wyatt; which was adopted.

The question then recurred on the passage of the bill.

Mr. Hudson demanded the yeas and nays—

Mr. Clitherall brought a message of invitation from the House of Representatives, to repair to their Hall for the purpose of electing a Senator to the Congress of the United States: also a Judge of the county court for the county of Perry. Whereupon the Senate immediately repaired to the Hall, were seated, and Mr. President announced the object for which the two Houses were assembled.

The two Houses first proceeded to the election of a Senator to the Congress of the United States—*Arthur P. Bagby* alone being in nomination.

Those who voted for *Mr. Bagby*, are Messrs. President, Arrington, Baylor, Brindley, Creagh, Dailey, Dent, Fleming, Foster, Hall, Hudson, Hunter, Jones, King, McClanahan, McConnell, McVay, Moores, Oliver, Reese, Rodgers, Thornton, Toulmin, Walker, Walthall, Watkins, Wilson of F. and Wilson of J. of the Senate; messrs. Speaker, Abernethy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Calhoun, Clay, Cochran, Dortch, Douglass, Dubose, Dunklin, Earle, English, Erwin, Findley, Fletcher, Fowler, Gamble, Gardner, Garland, Gasque, Griffin, Harris, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Jones of Con. Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McLemore, McMillion, Meriwether, Miree, Moore of M. Moore of P. Morgan of A. Mer-

gan of C. Morris, Morrison, Mundy, Murphey, Norman, Oliver, Pettit, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Tate, Turner, Walker, Ware, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. Woodward.

Mr. Cooper voted for *Reuben Chapman*.

Mr. Henley voted for *Francis S. Lyon*.

Mr. Jones of G. voted for *John Gayle*.

Mr. Porter voted for *James W. McClung*.

Messrs. Kidd and Norris, voted for *George W. Crabb*.

Messrs. Storrs and Watts, voted for *Dixon H. Lewis*.

Mr. Bagby, having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected a Senator to the Congress of the United States, for the term prescribed by the constitution.

The two Houses next proceeded to the election of a judge of the county court of Perry county—*John P. Graham* and *James Bailey*, being in nomination.

Those who voted for *Mr. Graham*, are messrs. President, Baylor, Brindley, Dailey, Dent, Fleming, Foster, Hudson, Hunter, King, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Watrous, Wilson of F. and Wilson of J. of the Senate; messrs. Speaker, Barron, Caffey, Cain, Cooper, Dear, Douglass, Dunn, Earle, Erwin, Findley, Fletcher, Fowler, Gardner, Garland, Griffin, Harris, Harrison, Hendrix, Henley, Hubbard, Jackson, Jones of Con. Jones of Cov. Kendrick, Kennedy of M. Lankford, Marchbanks, McClung, McCoy, McLemore, McMillion, Mitchell, Morgan of A. Morrisett, Mundy, Norman, Norris, Pickett, Pynes, Rice, Richeson, Robinson, Scott, Skipper, Storrs, Tate, Valliant, Walker, Whorton, Williams of J. Winston of DeK. and Witherspoon.

Those who voted for *Mr. Bailey*, are messrs. Arrington, Buford, Creagh, Hall, Jones, McConnell, Toulmin, Walker, Walthall and Watkins, of the Senate; and messrs. Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Calhoun, Campbell, Clay, Cochran, Crowder, Cunningham, Dortch, Dubose, Dunklin, English, Gamble, Gasque, Henderson, Hill, Hodges, Jones of G. Kennedy of L. Kidd, Martin, Meriwether, Miree, Moore of M. Moore of P. Morgan of C. Morris, Morrison, Murphey, Oliver, Pettit, Porter, Roby, Smith of T. Smith of L. Smith of P. Turner, Ware, Watts, Williams of P. Winston of S. and Woodward.

Mr. Graham having received a majority of votes, Mr. Speaker declared him duly elected Judge of the county court of Perry county, for the term prescribed by the constitution.

The Senate then returned to its Chamber and resumed the consideration of the bill for the relief of Ann T. R. Wyatt.

Those who voted for the passage of the bill, are Messrs. Brindley, Buford, Dailey, Dent, Fleming, Foster, Hunter, Jones, King, Moores, Oliver, Ross, Thornton, Toulmin, Walthall and Watkins—17.

NAYS—Messrs. President, Arrington, Baylor, Creagh, Hudson, McClanahan, McVay, Phillips, Reese, Rodgers, Walker and Watrous—12.

So the bill passed. Ordered, that the title remain unchanged.

On motion, the Senate then adjourned till ten o'clock to-morrow.

TUESDAY, December 20, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Ross, from the committee on enrolled bills reported that they had examined and found correctly enrolled,

An act to extend the time for the collection of taxes in Cherokee county.

Mr. McConnell presented the petition for the relief of the purchasers of section sixteen, township eighteen, range five, east, of the Coosa land district; referred to the committee on education.

Mr. McVay, from the committee on propositions and grievances, to which was referred the petition of sundry citizens of Talladega county, reported a bill for the relief of James T. Lindsey; which was read the first time and ordered to a second reading.

Mr. Baylor, from the committee on education, to which was referred an act explanatory of certain joint resolutions therein named, reported the same back to the Senate, amended as therein shown—and thus amended, recommend its passage—

Strike out of the eighth line from the top the word "any," and every thing thereafter and insert in lieu thereof "the purchase made by Isaac Blackwood with Cornelius Gillespie and H. H. Elliott as securities;" which amendment was adopted, and the bill placed among the orders for to-day.

Mr. Baylor, from the same committee, to which was referred an act in relation to sixteenth section of township eleven, in range ten, reported that it is inexpedient to pass said bill.

On motion of Mr. Ross, the report and bill were ordered to lie on the table.

Mr. Baylor, from the same committee, to which was referred a resolution of inquiry into the propriety of repealing the law allowing a per diem pay to the Trustees of the University of Alabama, &c. &c. reported that legislation thereon is inexpedient; which, on motion of Mr. Moores, was ordered to lie on the table.

Mr. Baylor, from the same committee, to which was referred the bill to revive the act of incorporation of the Pine Land Academy of Mobile county, reported the same back to the Senate with an amendment; and thus amended recommended its passage.

"Provided, this act may be repealed or amended at any time."

The amendment was adopted, and the bill placed among the orders for to-day.

Mr. Baylor, from the same committee, to which was referred the petition of Alexander Campbell and other purchasers of school lands in Randolph county, reported a bill embracing the prayer of the petitioners, and recommended its passage.

A bill for the relief of Alexander Campbell and others, purchasers of school lands in Randolph county, was read the first time and ordered to a second reading.

Mr. Thornton, from the judiciary committee, to which was referred

a petition of sundry citizens of Tallapoosa county, praying that bond for costs may be required before any suit shall issue from any court in this State, reported that it is inexpedient to grant the prayer of the petitioners, because of the inconvenience to suitors generally, and the hardship (amounting in many instances to a denial of justice,) to the poorer class of the community; which report was concurred in.

Mr. Thornton, from the same committee, to which was referred a resolution of inquiry into the propriety of committing to the penitentiary for safe keeping persons arrested for slave stealing or other capital felony, in cases where the county jail is insufficient; reported that it is inexpedient to pass any law for the purposes of substituting the penitentiary for a jail in any case, as the internal economy of the former would be greatly prejudiced by applying it to the purposes of the latter; which report was concurred in.

Mr. Thornton, from the same committee, to which was referred a resolution of inquiry as to the expediency of taxing the brokers of this State, asked to be discharged from the further consideration of the subject, because the constitution provides that all bills for raising revenue shall originate in the House of Representatives; whereupon the committee was discharged.

Mr. Thornton, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of compelling all merchants and venders of goods, &c to take out a license, reported that it is inexpedient to legislate on the subject, except with a view to raising revenue, and that belongs to the other branch of the Legislature to originate.

Mr. Hudson moved to lay the report and resolution on the table; which was lost.

The question recurred on concurring in the report of the committee; which was carried.

Mr. Thornton, from the same committee, to which was referred the act to secure to certain persons therein named the exclusive privilege of navigating the Cahawba river with steam for a limited time, reported it back to the Senate, with the opinion that it is not proper to pass the same, because it is in conflict with the provisions of the act of Congress admitting the State into the Union, in that particular which stipulates for the free use, to all the citizens of the State and of the United States, as a public highway, all navigable rivers within the State.

On motion of Mr. Walthall, the bill and report was ordered to lie on the table.

Mr. Thornton, from the same committee, to which was referred the petition of Abner Webb to have patents issued to the north-west quarter of section sixteen, township twenty-two, range twenty-five, reported it inexpedient to pass any such law as the petitioner prays, as the judicial department of the government is that to which is properly committed the redress of such wrongs as the petitioner complains of; in which report the Senate concurred.

Mr. Thornton, from the same committee, to which was referred an act to establish and regulate the proceedings in justices' courts in this

ate, reported the bill back to the Senate, with the opinion that it is not expedient to pass the same.

On motion of Mr. Dent, the bill and report were ordered to lie on the table.

Mr. Hunter, from the same committee, to which was referred the petition of George H. Garrett and others, reported a bill in compliance with the prayer of the petitioners, and recommended its passage.

An act for the relief of George H. Garrett, and to extend the power of pardon, was read the first time and ordered to a second reading.

Mr. Hunter, from the same committee, to which was referred the petition of Benjamin Wych Walker, guardian of Robert C. and Matilda Beattie, minors, reported a bill in compliance therewith.

An act authorizing the judge of the county court of Lowndes county to sell certain lands, the property of Robert C. and Matilda F. Beattie, was read the first time and ordered to a second reading.

Mr. Phillips, from the same committee, to which was referred the petition of Thomas H. Wiley, praying the passage of an act to change the guardianship of certain wards from the county of Perry to the county of Dallas, reported a general bill, and recommended its passage.

An act to amend an act entitled an act to authorize guardians of minors, lunatics and idiots to receive and remove from this State any property to which said wards may be entitled, when both ward and guardian reside out of the State, or to remove the same from one county to another in this State, &c. approved February second, eighteen hundred and thirty-nine, was read the first time and ordered to a second reading.

Mr. Toulmin, from the State Bank committee, to which was referred much of the Governor's message as relates to suspending the operations of the Branch Bank at Mobile, and placing its affairs in a state of liquidation, reported a bill and recommended its passage.

An act for the regulation of the Branch of the Bank of the State of Alabama at Mobile, was then read the first time, and on motion of Mr. Bores, ordered, that it lie on the table, and that thirty-three copies thereof be printed.

Mr. Baylor, from the select committee to which was referred a bill to amend an act to authorize the clerks of the circuit and county courts of Wilcox county, &c. to make out and keep reversed indexes of all cases decided in their respective courts, reported the same back to the Senate, with the following amendments: substitute the word "courts" for the word "court," the word "registers" for the word "register," and the word "clerks" for the word "clerk," wherever they occur in the bill. In the fourth line, strike out the words "of the county court of Wilcox." In the seventh line, strike out the words "of said county," and insert in lieu thereof, "of the several counties in this State;" which amendments were adopted by the Senate, and the bill placed among the orders of the day.

Mr. Jones, from the select committee to which was referred an act to amend an act to alter the mode of assessing and collecting the taxes of the county of Sumter, reported the same back with the following amendments, to come in at the close of the third section: "*Provided,*

that for the year eighteen hundred and forty-three, the clerk of the county court shall furnish the list required by this section, to the several assessors, by the third Monday in January of the same year;" which amendment was adopted, and the bill placed among the orders of the day.

Mr. Brindley asked leave to withdraw certain documents which had been before the committee on education; granted.

Mr. Hudson moved to take the joint resolutions proposing to alter the twelfth section of the fifth article of the constitution of the State of Alabama, making the judges of the county courts elective by the people from the table; which was carried.

Whereupon, Messrs. Hudson and Baylor were appointed said committee.

Mr. McClanahan introduced a bill to repeal in part, and amend an act to provide for the sale of lands and slaves in the town of Decatur in certain cases, approved January second, eighteen hundred and forty, which was read the first time and ordered to a second reading.

Mr. Phillips introduced a bill to facilitate certain criminal prosecutions; which was read the first time and ordered to a second reading.

Mr. McConnell introduced a bill for the relief of John B. Herron.

Mr. Thornton introduced a bill to amend an act entitled an act regulating punishments under the Penitentiary system; which were severally read the first time and ordered to a second reading.

The Senate then proceeded to the consideration of the special order, it being the resolution offered by Mr. Walthall on the sixteenth instant to instruct the committee appointed to draft and report a bill dividing the State into congressional districts, to regard white population alone.

Mr. Thornton moved that the further consideration of the resolution be postponed until to-morrow, at eleven o'clock; which was carried.

A message was received from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has adopted the following resolution:

Resolved, That the two Houses will convene in the Hall of the House of Representatives, on Wednesday next, at twelve o'clock, for the purpose of going into the election of a Judge of the county court of Mobile and Marion counties; in which they ask the concurrence of the Senate.

The resolution was concurred in.

A message was received from the Governor, by Mr. Harrison his private Secretary:

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, Dec. 20, 1842. }

To the President of the Senate:

SIR—I have the honor to lay before the Senate, copies of joint resolutions of the General Assembly of Connecticut, in relation to the West Point Academy.

The same in relation to the Bankrupt law.

The same in relation to the Tariff.

Of Massachusetts, in relation to the imprisonment of citizens of that Commonwealth, in other States.

The same in relation to the choice of electors of President and Vice President of the United States.

Of the State of Kentucky, in relation to amendments of the Constitution of the United States.

The same in relation to the soldiers of the Revolution.

The same relation to the repudiation of the State debts.

Of the State of Maryland, in relation to slavery in the District of Columbia.

Of the State of New York, in relation to postage.

Of the State of Maine, in relation to public lands.

Of the State of Mississippi in relation to the annexation of Texas to the United States.

Of the State of Tennessee, on the same subject.

Of the State of New Jersey, on the subject of the Tariff;

And resolutions from the town council of Alexandria, in relation to retrocession of the District of Columbia.

All of which is respectfully submitted.

(Signed,)

BEN. FITZPATRICK.

The resolutions contained in the communication of the Governor, were referred to the committee on federal relations.

A message was received from the Governor, by Mr. Harrison:

EXECUTIVE DEPARTMENT, }

TUSCALOOSA, Dec. 20, 1842. }

To the President of the Senate:

SIR—I have the honor to lay before the Senate, the annual report of the Board of Trustees of the University of Alabama, at their late session.

(Signed,)

BEN. FITZPATRICK.

The report of the board of Trustees, was referred to the committee on education.

A message was received from the Governor, by Mr. Harrison:

EXECUTIVE DEPARTMENT, }

TUSCALOOSA, Dec. 20, 1842. }

To the President of the Senate:

I have the honor to make known to the Senate, that I have this day received the resignation of the Hon. John P. Booth, resigning the office of Judge of the sixth judicial circuit, to take effect from and after the third day of February next.

(Signed,)

BEN. FITZPATRICK.

Which was laid on the table.

The Senate then proceeded to the consideration of the orders of the day.

An act to reduce the fees of the clerks of the several courts of this State, sheriffs and other officers, was read the second time and ordered to be engrossed.

An act to reduce the salaries of certain officers therein named, was

read the second time, and on motion of Mr. Walker, was referred to select committee:

Messrs. Walker, Hall and Thornton, composed said committee.

An act to reduce the compensation of the officers and members of the General Assembly of the State of Alabama, was read the second time.

Mr. Walker moved its reference to a select committee; on which motion, Mr. King desired the yeas and nays.

YEAS—Messrs. President, Arrington, Baylor, Buford, Dailey, Hall, Hudson, McClanahan, McVay, Oliver, Rodgers, Ross, Toulmin, Walker, Wilson of F. and Wilson of J—16.

NAYS—messrs. Brindley, Creagh, Dent, Fleming, Foster, Hunter, Jones, King, McConnell, Moores, Phillips, Reese, Thornton, Walthall, Watkins and Watrous—16.

So the motion was lost.

Mr. Walker moved to strike out of the bill, all that relates to the members of the General Assembly.

Mr. McConnell desired the yeas and nays on this motion:

YEAS—messrs. President, Fleming, Foster, Hall, Hudson, Jones, McClanahan, Moores, Rodgers, Ross, Thornton, Toulmin, Walker, Wilson of F. and Wilson of J—15.

NAYS—messrs. Arrington, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Hunter, King, McConnell, McVay, Oliver, Phillips, Reese, Walthall, Watkins and Watrous—17.

So the Senate refused to strike out.

Mr. Hall moved to strike out from the bill, "fifty cents," where it occurred in the fourteenth line, making the pay of members three dollars and desired the yeas and nays thereon.

YEAS—messrs. President, Dailey, Hall, Hudson, Jones, McConnell, McVay, Moores, Reese, Rodgers, Ross, Toulmin, Walker, Walthall, Watrous, Wilson of F. and Wilson of J—17

NAYS—messrs. Arrington, Baylor, Brindley, Buford, Creagh, Dent, Fleming, Foster, Hunter, King, McClanahan, Oliver, Phillips, Thornton and Watkins—15.

So fifty cents was stricken out from the pay proposed by the bill, to be given to the members.

Mr. Creagh moved to strike out of the fourteenth line the word "three," leaving the compensation of members blank.

Mr. Watkins proposed the following amendment:

Provided, That the provisions of this act shall not take effect until the adjournment of the present General Assembly.

Mr. Walker proposed the following amendment: Insert four dollars per day for the first six weeks of the session, and thereafter, two dollars per day.

Mr. Jones offered the following amendment:

Provided however, That Sumter county shall be exempt from the operations of this law, so far as relates to the pay of the members of said county, to the General Assembly.

Mr. Buford offered the following amendment:

Provided, The members of the General Assembly shall be compen-

ated only in proportion to the relative amount and value of service rendered by each member, and shall be paid by their respective counties.

Mr. Oliver moved to refer the bill and amendments to a select committee, with instructions to embrace in the bill the amendment offered by Mr. Walker.

The yeas and nays on Mr. Oliver's motion were called for:

Those who voted in the affirmative, are messrs. President, Arrington, Baylor, Buford, Dailey, Fleming, Foster, Hall, Hudson, Jones, McClanahan, Oliver, Ross, Toulmin, Walker, Wilson of F. and Wilson of J—17.

NAYS—messrs. Brindley, Creagh, Dent, Hunter, King, McConnell, McVay, Moores, Phillips, Reese, Rodgers, Thornton, Walthall, Watkins and Watrous—15.

So the bill and amendments were referred to a select committee, with instructions. messrs. Walker, Hall, and Phillips, were appointed said committee.

An act to reduce the salaries of Bank officers, was read the second time.

Mr. Fleming moved its reference to the State Bank committee, and called for the yeas and nays on the adoption of his motion.

YEAS—messrs. President, Buford, Fleming, Foster, Jones, Moores, Oliver, Rodgers, Ross, Thornton and Walker—11.

NAYS—messrs. Arrington, Brindley, Creagh, Dailey, Dent, Hall, Hudson, Hunter, King, McClanahan, McConnell, McVay, Phillips, Reese, Toulmin, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J—20.

So the Senate refused to refer the bill to the State Bank committee.

The question then recurred on ordering the bill to be engrossed; which was carried.

An act to incorporate the Warrior manufacturing company, was read the second time and referred to the committee on internal improvement and inland navigation.

An act to change the time of holding the winter session of the county Court of Talladega county, and for other purposes, was read the second time and ordered to be engrossed.

An act to regulate the rate of interest, was read the third time.

Mr. Hudson desired the yeas and nays on its passage.

YEAS—messrs. President, Arrington, Brindley, Creagh, Dailey, Dent, Fleming, Foster, Hall, Hudson, McConnell, McVay, Moores, Phillips, Rodgers, Ross, Thornton, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J—22.

NAYS—messrs. Buford, Hunter, Jones, King, McClanahan, Oliver, Reese, Walker and Watrous.

So the bill passed.

Bills of the following titles were then severally read the third time and passed—

An act to extend the provisions of an act therein named, to the counties of Coosa, Russell, and Henry:

An act to regulate the purchase of timber for the use of roads in Dallas county:

An act to change the name of the county seat of Cherokee county.

An act to alter the winter term of the county court of Covington county:

Ordered, that the titles remain as aforesaid.

An act to repeal an act therein named, was read the third time and passed.

Mr. Buford proposed to amend the caption, by striking out all after the word "act," where it first occurs, and inserting, "relating to taxes and jury certificates in Covington county;" which carried.

An act for the relief of Mary Jane Jones, was read the third time.

Mr. Hall offered the following amendment by way of engrossed ryder:

Provided, The provisions of this act shall extend to Julia S. Sample, of Autauga county; which was lost.

Mr. Hudson demanded the yeas and nays on the passage of the bill:

YEAS—messrs. Brindley, Buford, Dailey, Dent, Fleming, Foster, Hall, Hunter, Jones, King, McConnell, Moores, Oliver, Ross, Walthall and Wilson of J—16.

NAYS—messrs. President, Creagh, Hudson McClanahan, McVay, Phillips, Reese, Rodgers, Toulmin, Walker, Watkins, Watrous and Wilson of F—13.

So the bill passed.

Mr. Wilson of J. moved an adjournment—which was lost.

The following bills were then read a third time, and passed—

An act to attach a part of Fayette to Walker county:

An act to amend an act to alter the mode of assessing and collecting the taxes of the county of Sumter.

Ordered, that the titles remain unchanged.

An act to abolish brigade encampment drills in this State; and for other purposes, was read the second time; and, on motion of Mr. Creagh, referred to the committee on military affairs.

An act to repeal in part an act entitled an act to prevent frauds in elections, was read the second time and referred to the committee on privileges and elections.

An act better to regulate judicial proceedings was read the second time and postponed till to-morrow.

An act for the relief of David Dulaney, was, on motion of Mr. Jones, referred to the judiciary committee.

The following bills were then read the second time and ordered to be engrossed, viz:

A bill to revive and continue the President and Trustees of the Pine Land Academy in Mobile county as a body corporate:

An act explanatory of certain joint resolutions therein named:

And an act to authorize the clerks of the circuit and county courts of the county of Wilcox, and the Register in Chancery to make out and keep reversed indexes of all causes decided in their respective courts; was read the second time and ordered to a third reading on to-morrow.

On motion of Mr. Hudson, the Senate then adjourned till ten o'clock to-morrow.

WEDNESDAY, December 21st, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Watrous presented the petition of sundry citizens of Shelby county, in behalf of Charles M. Cardin and others; which was referred to the committee on internal improvement and inland navigation.

Mr. Hudson, from the committee on accounts and claims, to which was referred an act for the benefit of Henry Farrar; reported the same back to the Senate and recommended its passage.

The bill was placed among the orders of the day.

Mr. Walker, from the committee on federal relations, to which was referred joint resolutions proposing to repeal the joint resolutions approved thirty-first December, eighteen hundred and forty-one, authorizing the Governor to appoint a special agent to settle the claims of this State on the Federal Government; reported the same back to the Senate and recommended its passage.

The joint resolutions were placed among the orders of the day.

Mr. Wilson of J. from the committee on roads, bridges and ferries, to which was referred a bill in relation to prairie roads in the counties of Lowndes and Montgomery, reported the same back to the Senate and recommended its passage.

The bill was placed among the orders of the day.

Mr. Creagh, from the committee on State printing, to which was referred the bill amendatory of an act for the better regulation of the State printing, &c. reported the same back to the Senate with the following amendments: strike out "twenty-five," where it occurs in the bill, and insert in lieu thereof, "fifteen;" and thus amended, recommend its passage.

The bill was placed among the orders for to-day.

Mr. Dent moved to take from the table a bill to establish and regulate the proceedings in justices' courts in this State, and refer it to a select committee; which was carried—and Messrs. Dent, Foster and Fleming were appointed said committee.

Mr. Walker moved to take from the table an act to extend an act granting certain privileges to Alexander Findley; which motion was carried, and the bill, on motion, was referred to a select committee, composed of Messrs. Walker and Foster.

Mr. Moores introduced a bill to be entitled an act to authorize Charles McLemore and his associates to build a bridge across the Tallapoosa river; which was read a first time and ordered to a second reading on to-morrow.

Mr. Hudson, from the select committee to which was referred an act to secure a homestead to every family within this State, reported the same back to the Senate with the following amendments: after the word "land," at the end of the sixth line from the top, add "for the purpose of cultivation;" and at the end of the first section, add this proviso: "*Provided*, that nothing herein contained, shall be construed to extend or to embrace any lands within the corporate limits of any town or city of this

State;" which amendments were adopted; and the bill placed among the orders for to-day.

Mr. Foster presented the account of B. D. Cook; which was referred to the committee on accounts and claims.

The Senate then proceeded to the consideration of the orders of the day.

The following bills were read the second time, and ordered to be engrossed for a third reading:

An act for the relief of James T. Lindsey:

An act for the relief of Alexander Campbell and other purchasers of school lands in Randolph county:

An act for the relief of George H. Garrett—and to extend the power of pardon:

An act authorizing the Judge of the county court of the county of Lowndes, to sell certain lands, the property of Robert C. and Matilda F. Beattie:

An act to amend an act entitled an act to authorize guardians of minors, idiots and lunatics to receive and remove, from this State, any property to which such ward may be entitled, when both guardian and ward reside out of the State, or to remove the same from one county to another in this, &c.—approved February second, eighteen hundred and thirty-nine:

An act to amend an act entitled an act regulating punishments under the penitentiary system:

An act for the relief of John B. Herron;

And an act to facilitate certain criminal prosecutions.

Mr. Walthall moved to suspend the orders for the purpose of taking up a bill that was postponed on yesterday, entitled an act better to regulate judicial proceedings.

The orders were suspended and the bill taken up and referred to the judiciary committee.

Leave of absence was granted Mr. Jones until Wednesday next.

Mr. President announced the hour of eleven o'clock to have arrived, and the Senate immediately proceeded to the consideration of Mr. Walthall's resolution—which was the special order for that hour.

After an hour spent in the discussion thereof, Mr. Clitherall brought a message of invitation from the House of Representatives to repair to their Hall, for the purpose of electing a Judge of the county court of Mobile county; also, Judge for the county court of Marion county.

Whereupon the Senate immediately repaired to the Hall of the House of Representatives, were seated, and Mr President announced the object for which the two Houses were assembled.

The two Houses proceeded first, to the election of Judge of the County Court of Mobile county—*Solomon Heydenfelt, Samuel F. Rice, George F. Lindsay, John A. Cuthbert, and Samuel M. Ogden*, being in nomination.

Those who voted for *Mr. Cuthbert*, are messrs. Baylor, Brindley, and Foster of the Senate; and messrs. Speaker, Bothwell, Clay, Erwin, Jackson, Kendrick, Pettit, Porter, Whorton, and Witherspoon—13.

Those who voted for *Mr. Heydenfelt*, are messrs. Arrington, Buford, and Reese of the Senate; and messrs. Crowder, Fowler, Gresham, Harris, Henderson, Hodges, Hubbard, Kennedy of L. McLemore, Morgan of A. Oliver, Roby, Skipper, Tate. Valliant and Watts—19.

Those who voted for *Mr. Lindsay*, are messrs. President, Creagh, Hudson, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Findley, Gasque, Harrison, Hill, Jones of Cov. Marchbanks, McMillion, Moore of P. Morris, Norman, Pickett, Richeson, Turner, Williams of J. Williams of P. and Woodward—34.

Those who voted for *Mr. Ogden*, are messrs. Dent, Hunter, King, Moores, Oliver, Phillips, Thornton, Watkins and Watrous of the Senate; and messrs. Banks, Barron, Campbell, Cunningham, Dunn, Earle, Gardner, Henley, Jones of Conecuh, Jones of G. McClung, McCoy, Mitchell, Morgan of C. Norris, Storrs and Ware—26.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell, and Walker of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Gamble, Garland, Griffin, Hendrix, Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson. Scott, Smith of L. Smith of T. Walker, Winston of DeK. and Winston of S.—37.

Neither of the candidates having received a majority of all the votes cast, the two Houses proceeded immediately to a second ballot.

Those who voted for *Mr. Cuthbert*, are messrs. Baylor and Foster of the Senate; and messrs. Speaker, Bothwell, Clay, Earle, Erwin, Jackson, Kendrick, Porter, Whorton, and Witherspoon—13.

Those who voted for *Mr. Heydenfelt*, are messrs. Reese of the Senate; and messrs. Crowder, Fowler, Gresham, Henderson, Hodges, Hubbard, Kennedy of L. McLemore, Morgan of A. Oliver, Roby, Skipper, Tate, Valliant and Watts—16.

Those who voted for *Mr. Lindsay*, are messrs. President, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Findley, Gasque, Harrison, Hill, Jones of Cov. Marchbanks. McMillion, Moore of P. Morris, Norman, Pickett, Richeson, Turner, Williams of P. Williams of J. and Woodward—36.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Dent, Hunter, King, Moores, Oliver, Phillips, Thornton, Watkins and Watrous of the Senate; and messrs. Banks, Barron, Campbell, Cunningham, Dunn, Gardner, Harris, Henley, Jones of Conecuh, Jones of G. McClung, McCoy, Mitchell, Morgan of C. Norris, Storrs and Ware—27.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell and Walker of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Gamble, Garland, Griffin, Hendrix, Kennedy of M. Kidd, Lankford, Martin. Meriwether, Miree, Mundy, Moore of M. Morrisett, Morrison, Murphey,

Pynes, Rice, Robinson, Scott, Smith, of L. Smith of T. Walker, Winston of DeK. and Winston of S.—37.

There being no election, the two Houses proceeded to ballot a third time.

Those who voted for *Mr. Cuthbert*, are messrs. Baylor and Foster, of the Senate; and messrs. Speaker, Bothwell, Clay, Erwin, Jackson, Kendrick, Morgan of A. Pettit, Porter, Whorton and Witherspoon.

Those who voted for *Mr. Heydenfelt*, are messrs. Reese and Watrous, of the Senate; and messrs. Fowler, Gresham, Henderson, Hodges, Hubbard, Kennedy of L. McLemore, Morgan of C. Roby, Skipper, Tate, Valliant and Watts.

Those who voted for *Mr. Lindsay*, are messrs. President, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of J. and Wilson of F. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Dubose, Douglass, Dunklin, Findley, Gasque, Harrison, Hill, Jones of Cov. Marchbanks, McMillion, Moore of P. Morris, Norman, Pickett, Richeson, Turner, Williams of J. Williams of P. and Woodward.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Buford, Dent, Hunter, King, Moores, Oliver, Phillips, Thornton and Watkins, of the Senate; and messrs. Banks, Barron, Campbell, Crowder, Cunningham, Dunn, Earle, Gardner, Harris, Henley, Jones of Conecuh, Jones of G. McClung, McCoy, Mitchell, Norris, Oliver, Sorrs and Ware.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell and Walker, of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Gamble, Garland, Griffin, Hendrix, Kidd, Kennedy of M. Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Scott, Smith of L. Smith of T. Walker, Winston of DeK. and Winston of S.

There being no election, the two Houses proceeded to ballot a fourth time.

Those who voted for *Mr. Cuthbert*, are messrs. Baylor and Foster, of the Senate; messrs. Speaker, Bothwell, Clay, Erwin, Jackson, Kendrick, Morgan of A. Pettit, Porter, Whorton and Witherspoon.

Those who voted for *Mr. Heydenfelt*, are messrs. Reese, of the Senate and messrs. Fowler, Gresham, Henderson, Hodges, Hubbard, Kennedy of L. McLemore, Morgan of C. Roby, Skipper, Tate, Valliant, and Watts.

Those who voted for *Mr. Lindsay*, are messrs. President, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Cochran, Dear, Dortch, Douglass, Dubose, Findley, Gasque, Harrison, Hill, Jones of Cov. Marchbanks, McMillion, Moore of F. Morris, Norman, Richeson, Turner, Williams of J. Williams of P. and Woodward.—34.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Buford, Dent, Hunter, King, Moores, Oliver, Phillips, Thornton, Watkins and Watrous of the Senate; and messrs. Banks, Barron, Campbell, Crowder, Cunningham

ham, Dunn, Earle, Gardner, Harris, Henley, Jones of Conecuh, Jones of G. Kidd, McClung, McCoy, Mitchell, Norris, Oliver, Pickett, Storrs and Ware—32.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell and Walker of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, Dunklin, English, Fletcher, Gamble, Garland, Griffin, Hendrix, Kennedy of M. Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Scott, Smith of L. Smith of T. Walker, Winston of DeK. and Winston of S.—57.

There being no election, the two Houses proceeded to ballot a fifth time.

Those who voted for *Mr. Cuthbert*, are messrs. Foster of the Senate; and messrs. Speaker, Bothwell, Clay, Erwin, Jackson, Kendrick, Morgan of A. Pettit, Porter and Whorton.

Those who voted for *Mr. Heydenfelt*, are Mr. Reese, of the Senate; and messrs. Fowler, Gresham, Henderson, Hodges, Hubbard, Kennedy of L. Morgan of C. Roby, Skipper, Tate, Valiant and Watts.

Those who voted for *Mr. Lindsay*, are messrs. President, Baylor, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; messrs. Bridges, Calhoun, Dortch, Douglass, Dubose, Dunklin, Findley, Gasque, Harrison, Hill, Jones of Cov. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Turner, Williams of J. Williams of P. and Woodward.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Buford, Dent, Hunter, King, Moores, Oliver, Phillips, Thornton, Watkins and Watrous of the Senate; messrs. Banks, Barron, Campbell, Crowder, Cunningham, Dunn, Earle, Gardner, Harris, Henley, Jones of Conecuh, Jones of G. McClung, McCoy, Mitchell, Norris, Oliver, Pickett, Storrs, Ware and Witherspoon.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell and Walker of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Gamble, Garland, Griffin, Hendrix, Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Scott, Smith of L. Smith of T. Winston of DeK. and Winston of S.

No one of the candidates having received a majority of the votes given, the two Houses proceeded to vote the sixth time.

Those who voted for *Mr. Cuthbert*, are Mr. Foster, of the Senate; and messrs. Speaker, Bothwell, Clay, Erwin, Jackson, Kendrick, Morgan of A. Pettit, Porter and Whorton.

Those who voted for *Mr. Lindsay*, are messrs. President, Baylor, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Dunn, Earle, Findley, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kennedy of L. Marchbanks, McMillion,

Moore of P. Morris, Norman, Richeson, Tate, Turner, Williams of J. Williams of P. and Woodward.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Buford, Dent, Hunter, King, Moores, Oliver, Phillips, Reese, Thornton, Watkins and Watrous, of the Senate; and messrs. Banks, Barron, Campbell, Crowder, Cunningham, Gardner, Gresham, Harris, Henley, Jones of Conecuh, Jones of G. McClung, McCoy, McLemore, Mitchell, Morgan of C. Norris, Oliver, Pickett, Storrs, Ware, Watts and Witherspoon.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell and Walker, of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Garland, Griffin, Hendrix, Hubbard, Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Skipper, Smith of L. Smith of T. Valliant, Walker, Winston of DeK. and Winston of S.

No one of the candidates having received a majority of the votes given, the two Houses proceeded to vote the seventh time.

Those who voted for *Mr. Cuthbert*, are Mr. Foster, of the Senate; and messrs. Speaker, Bothwell, Clay, Erwin, Jackson, Kendrick, Morgan of A. Pettit, Porter and Whorton.

Those who voted for *Mr. Lindsay*, are messrs. President, Baylor, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Findley, Fowler, Gamble, Garland, Gasque, Harrison, Henderson, Hodges, Jones of Cov. Kennedy of L. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Tate, Turner, Williams of J. Williams of P. and Woodward.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Dent, Hunter, King, Moores, Phillips, Reese, Thornton, Watkins and Watrous, of the Senate; and messrs. Banks, Barron, Campbell, Crowder, Cunningham, Dunn, Earle, Gardner, Gresham, Harris, Henley, Jones of Conecuh, Jones of G. McClung, McCoy, McLemore, Mitchell, Morgan of C. Norris, Oliver, Pickett, Storrs, Ware, Watts and Witherspoon.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell and Walker, of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Griffin, Hendrix, Hubbard, Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Skipper, Smith of L. Valliant, Walker, Winston of De K. and Winston of S.

There being no election, the two Houses proceeded to vote the eighth time.

Those who voted for *Mr. Cuthbert*, are Mr. Foster, of the Senate; and messrs. Speaker, Bothwell, Clay, Erwin, Kendrick, McClung, Morgan of A. Pettit, Porter and Whorton.

Those who voted for *Mr. Lindsay*, are messrs. President, Baylor, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J. of the Sen-

ate; and messrs. Bridges, Calhoun, Dear, Dortch, Dubose, Dunklin, Findley, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kennedy of L. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Tate, Turner, Williams of J. Williams of P. and Woodward.

Those who voted for *Mr. Ogden*, are messrs. Arrington, Buford, Dent, Hunter, King, Moores, Oliver, Phillips, Thornton and Watrous, of the Senate; and messrs. Banks, Barron, Campbell, Crowder, Cunningham, Dunn, Earle, Gardner, Gresham, Harris, Henley, Jones of Conecuh, Jones of G. McCoy, McLemore, Norris, Oliver, Pickett, Storrs, Ware, Watts and Witherspoon.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell, Reese and Walker, of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Garland, Griffin, Hendrix, Hubbard, Jackson, Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Smith of L. Smith of T. Valliant, Walker, Winston of DeK. and Winston of S.

There being no election, the two Houses proceeded to vote the ninth time.

Those who voted for *Mr. Cuthbert*, are messrs. Foster, and Oliver, of the Senate; messrs. Speaker, Bothwell, Erwin, Jackson, Kendrick, McClung, Morgan of A. Pettit, Porter, Ware, Whorton, and Witherspoon.

Those who voted for *Mr. Lindsay*, are messrs. President, Baylor, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Findley, Fowler, Gamble, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Kennedy of L. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Tate, Turner, Watts, Williams of J. Williams of P. and Woodward.

Those who voted for *Mr. Ogden*, are Messrs. Arrington, Dent, Hunter, King, Moores, Phillips, Thornton and Watrous, of the Senate; and Messrs. Banks, Barron, Campbell, Crowder, Cunningham, Dunn, Gardner, Harris, Jones of Con. Jones of G. McCoy, McLemore, Mitchell, Morgan of C. Norris, Oliver, Pickett and Storrs.

Those who voted for *Mr. Rice*, are Messrs. Dailey, Fleming, McConnell, Reese and Walker, of the Senate; Messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Garland, Gresham, Griffin, Henley, Hendrix, Hubbard, Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Moore of M. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Skipper, Smith of L. Smith of T. Valliant, Walker, Winston of DeK. and Winston of S.

Neither of the candidates having a majority of the votes given, the two Houses proceeded to vote the tenth time.

Those who voted *Mr. Cuthbert*, are messrs. Buford, Foster, Hunter, King, Oliver, and Watrous of the Senate; and messrs. Speaker, Bothwell, Clay, Cunningham, Erwin, Henley, Jackson, Kendrick, Mc-

Clung, Morgan of A. Morgan of C. Oliver, Pettit, Porter, Ware, Whorton and Witherspoon.

Those who voted for *Mr. Lindsay*, are messrs. President. Arrington, Baylor, Brindley, Creagh, Hudson, Jones, McClanahan, McVay, Ross, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Fowler, Gamble, Gasque, Harrison, Henderson, Hodges, Jones of Cov. Kennedy of L. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Tate, Turner, Watts, Williams of P. and Woodward.

Those who voted for *Mr. Ogden*, are Messrs. Dent, Moores, Phillips, and Thornton, of the Senate; and messrs. Banks, Barron, Campbell, Crowder, Dunn, Harris, Jones of G. McCoy, Mitchell, Norris, Pickett, and Storrs.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell, Reese, Rodgers and Walker, of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Garland, Griffin, Gresham, Hendrix, Hubbard, Jones of Con. Kennedy of M. Kidd, Lankford, Martin, McLemore, Meriwether, Miree, Moore of Mad. Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Skipper, Smith of L. Smith of T. Valliant, Walker, Winston of DeK. and Winston of S.

There being no election, the two Houses proceeded to vote the eleventh time—the name of *Mr. Ogden*, being withdrawn.

Those who voted for *Mr. Cuthbert*, are messrs. Brindley, Buford, Dent, Foster, Hunter, King, Oliver, Phillips, Thornton and Watrous, of the Senate; and Messrs. Speaker, Banks, Barron, Bothwell, Campbell, Clay, Cunningham, Dunn, Erwin, Gresham, Harris, Henley, Jackson, Jones of G. Kendrick, Kennedy of L. McClung, McCoy, McLemore, Morgan of A. Morgan of C. Norris, Oliver, Pettit, Pickett, Porter, Skipper, Ware, Watts, Whorton and Witherspoon.

Those who voted for *Mr. Lindsay*, are messrs. President, Arrington, Baylor, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J. of the Senate; and Messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Fowler, Garland, Gasque, Harrison, Henderson, Hill, Hodges, Jones of Cov. Marchbanks, McMillion, Moore of P. Morris, Norman, Richeson, Tate, Turner, Williams of P. and Woodward.

Those who voted for *Mr. Rice*, are messrs. Dailey, Fleming, McConnell, Moores, Reese and Walker, of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Garland, Griffin, Hendrix, Hubbard, Jones of Con. Kennedy of M. Kidd, Lankford, Martin, Meriwether, Miree, Mitchell, Moore of Mad. Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Smith of L. Smith of T. Storrs, Valliant, Walker, Winston of DeK. and Winston of S.

There being no election, the two Houses proceeded to ballot the twelfth time.

Those who voted for *Mr. Cuthbert*, are messrs. Baylor, Brindley, Bu-

ord, Dent, Foster, Hunter, King, Moores, Oliver, Phillips, Thornton and Watrous of the Senate; messrs. Speaker, Banks, Barron, Bothwell, Campbell, Clay, Crowder, Cunningham, Dunn, Erwin, Fowler, Harris, Henley, Jackson, Jones of G. Kendrick, Kennedy of L. McClung, McCoy, Morgan of A. Morgan of C. Norris, Oliver, Pettit, Pickett, Porter, Skipper, Ware, Watts, Whorton and Witherspoon.

Those who voted for *Mr. Lindsay*, are messrs. President, Arrington, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Ross, Toulmin, Walthall, Watkins and Wilson of J. of the Senate; and messrs. Bridges, Calhoun, Dear, Dortch, Douglass, Dubose, Dunklin, Gamble, Gasque, Harrison, Henderson, Hodges, Jones of Cov. Marchbanks, McMillion, Moore of P. Norman, Richeson, Turner, Williams of P. and Woodward.

Those who voted for *Mr. Rice*, are Messrs. Dailey, Fleming, McConnell, Reese, Walker and Wilson of F. of the Senate; and Messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, English, Fletcher, Garland, Gresham, Griffin, Hendrix, Hill, Hubbard, Jones of Con. Kennedy of M. Kidd, Lankford, Martin, McLemore, Meriwether, Miree, Mitchell, Moore of M. Morris, Morrisett, Morrison, Mundy, Murphey, Pynes, Rice, Robinson, Roby, Scott, Smith of L. Smith of T. Storrs, Tate, Valliant, Walker, Winston of DeK. and Winston of S.

Neither of the candidates having received a majority of all the votes given, the two Houses proceeded to ballot the thirteenth time—the name *George F. Lindsay*, being withdrawn.

Those who voted for *Mr. Cuthbert*, are Messrs. Arrington, Baylor, Brindley, Buford, Creagh, Dent, Foster, Hunter, Jones, King, McClanahan, McVay, Oliver, Phillips, Ross, Thornton, Toulmin, Walthall, Watkins and Watrous, of the Senate; and Messrs. Speaker, Banks, Barron, Bothwell, Bridges, Campbell, Clay, Crowder, Cunningham, Dubose, Dunn, Earle, Erwin, Fowler, Gamble, Gasque, Harris, Harrison, Henley, Jackson, Jones of Con. Jones of Cov. Jones of G. Kendrick, Kennedy of L. McClung, McCoy, Mitchell, Morgan of A. Morgan of C. Morrisett, Norman, Norris, Oliver, Pettit, Pickett, Porter, Skipper, Storrs, Turner, Ware, Watts, Whorton, Williams of P. Witherspoon and Woodward—66.

Those who voted for *Mr. Rice*, President, Dailey, Fleming, Hudson, McConnell, Moores, Reese, Rodgers, Walker and Wilson of F., of the Senate; and Messrs. Abernathy, Barclay, Bishop, Caffey, Cain, Cochran, Cooper, Dear, Dortch, Dunklin, English, Fletcher, Garland, Gresham, Griffin, Henderson, Hendrix, Hill, Hodges, Hubbard, Kennedy of M. Lankford, Kidd, Marchbanks, Martin, McLemore, Meriwether, Miree, Moore of M. Moore of P. Morris, Morrison, Mundy, Murphey, Pynes, Rice, Richeson, Robinson, Roby, Scott, Smith of L. Smith of T. Tate, Valliant, Walker, Winston of DeK. and Winston of S.—57.

Mr. Cuthbert having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the county court of Mobile county, for and during the term prescribed by the constitution.

The two Houses then proceeded to elect a Judge for the county court

of Marion county—*John T. Saunders* and *Tuzzwell W. Trice*, being in nomination.

Those who voted for *Mr. Trice*, are messrs. Hudson, Phillips and Rodgers, of the Senate; messrs. Banks, Barron, Clay, Cooper, Crowder, Cunningham, Dear, Dunn, English, Erwin, Garland, Gresham, Griffin, Hendrix, Jones of Con. Kennedy of L. Kidd, McClung, McLemore, Morgan of C. Norris, Oliver, Pettit, Rice, Richeson, Scott, Smith of T. Storrs, Valliant, Walker, Ware, Watts and Winston of DeK.—36.

Those who voted for *Mr. Saunders*, are messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hunter, King, McClanahan, McVay, Moores, Oliver, Reese, Ross, Thornton, Toulmin, Walthall, Watkins, Watrons and Wilson of F. of the Senate; Messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Cochran, Dortch, Douglass, Drbose, Dunklin, Earle, Fowler, Gamble, Gasque, Harris, Harrison, Henderson, Henley, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Kendrick, Kennedy of M. Lankford, Marchbanks, Martin, Miree, Moore of M. Moore of P. Morris, Morgan of A. Mundy, Murphey, Pickett, Pynes, Roby, Richeson, Skipper, Tate, Turner, Whorton, Williams of P. Winston of S. and Woodward—73.

Mr. Saunders having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the county court of Marion county, for the term prescribed by the constitution.

The Senate then withdrew to its chamber, and Mr. President took the chair, and the consideration of Mr. Walthall's resolution was resumed.

On motion of Mr. Walker, the further consideration of the subject was postponed till to-morrow, at eleven o'clock, and made the special order for that time.

On motion of Mr. Walker, the Senate then adjourned till ten o'clock, to-morrow.

SENATE CHAMBER, Thursday, 22d December, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson, from the committee on accounts and claims, to which was referred the claims and vouchers of William Garrett, Secretary of State, for stationery furnished for the use of the State, and for the application of the amount of money drawn from the treasury, find them on examination to be correct. The amount of money drawn from the treasury by him for this purpose, is one thousand dollars,—the amount of stationery purchased by him is one thousand and four dollars and fifty cents. The committee find that the amount drawn has been correctly applied, and that a balance of four dollars and fifty cents is due to Mr. Garrett.

Also, an engrossed bill from the House of Representatives, for the relief of William R. Bracken, the passage of which the committee recommend without amendment. The bill was accordingly placed among the orders of the day.

Leave was granted Mr. Dailey to withdraw the petition of certain persons in Tallapoosa county.

Mr. Watkins proposed the following resolution:

Resolved, That the committee on education be instructed to inquire into the causes which have tended to retard the prosperity of the University of Alabama, and that they report the desired information to the Senate.

Which was adopted.

Mr. Watrous offered the following resolution—which was adopted:

Resolved, That the judiciary committee inquire into the expediency of defining more specifically by law, the fees of the several judges and clerks of the orphans' courts of this State.

Mr. Watkins introduced an act to alter the mode of electing the president and directors of the Bank of the State of Alabama, and of the several Branches thereof, and for other purposes; which was read the first time and ordered to a second reading.

Mr. Dent introduced an act to authorize the surviving executor of the last will and testament of Raymond Burroughs, late of Tuscaloosa county, deceased, to sell two acres of land, on which is situate Grant's Creek Academy; which was read the first time and ordered to a second reading.

The Senate then proceeded to the consideration of the orders of the day.

The bills of the following titles were severally read the second time and ordered to be engrossed:

An act to repeal in part and amend an act to provide for the sale of lands and slaves in the town of Decatur, in certain cases, approved January second, one thousand eight hundred and forty:

An act in relation to prairie roads in the counties of Lowndes and Montgomery:

An act amendatory of an act, entitled an act for the better regulation of the State printing, and altering the mode of paying for the same,—to which Mr. Creagh proposed the following amendment:

Sec. 2. *Be it further enacted*, That the Secretary of State shall divide the State into four districts, and that he is authorized to employ an agent for the purpose of distributing the acts and journals of the State, to those entitled to receive them, in each district.

Which amendment the Senate adopted:

An act to secure a homestead to every family within this State. The yeas and nays on the engrossment of this bill, were desired,—

YEAS—messrs. President, Arrington, Baylor, Brindley, Fleming, Foster, Hudson, Jones, McConnell, McVay, Phillips, Rodgers, Ross, Toulmin, and Wilson of F.—16.

NAYS—messrs. Creagh, Dailey, Dent, Hunter, King, McClanahan, Moores, Reese, Thornton, Walker, Watkins, and Watrous:

And, an act to extend an act, granting certain privileges to Alexander Brindley, of De Kalb county, approved, December thirty-first, one thousand eight hundred and forty-one. On motion—all after the word "Benton," was stricken from the bill:

Joint resolutions, proposing to repeal the joint resolutions approved on thirty-first of December, one thousand eight hundred and forty-one, authorizing the Governor to send a special agent to Washington City, to

settle the claims of this State, growing out of the Creek hostilities; were read the second time, and on motion of Mr. Thornton, laid on the table:

An act authorizing Charles McLemore, and his associates, to build a bridge across the Tallapoosa river; was read the second time, and on motion of Mr. Baylor, referred to the committee on roads, bridges, and ferries.

The following bills were severally read the third time and passed:

An act to reduce the fees of the clerks of the several courts of this State, sheriffs, and other officers:

An act to change the time of holding the winter term of the county court of Talladega county, and for other purposes:

An act explanatory of certain joint resolutions therein named:

An act to revive and continue the president and trustees of the Pine-land Academy, in Mobile county, as a body corporate:

An act to compensate Henry Farrar, for a slave executed in pursuance of law:

An act for the relief of James T. Lindsey:

An act for the relief of Alexander Campbell, and others, purchasers of school lands in Randolph county:

An act for the relief of George H. Garrett, and to extend the pardoning power:

An act authorizing the Judge of the county court of the county of Lowndes, to sell certain lands, the property of Robert C. and Matilda F. Beattie:

An act to authorize guardians of minors, idiots, and lunatics, to receive and remove from the State any property to which such ward may be entitled, when both guardian and ward reside out of the State, or to remove the same from one county to another in this State, &c.; approved, February second, one thousand eight hundred and thirty-nine:

An act to amend an act, entitled an act regulating punishments under the penitentiary system:

An act to facilitate certain criminal prosecutions:

An act to reduce the salaries of Bank officers; on the passage of which Mr. Creagh desired the yeas and nays,—

YEAS—messrs. President, Arrington, Brindley, Creagh, Dailey, Dent, Fleming, Foster, Hudson, Hunter, King, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Toulmin, Walker, Watkins, Watrous, Wilson of F., and Wilson of J.

NAYS—none:

An act for the relief of John B. Herron; on the passage of which, Mr. Hudson desired the yeas and nays,—

YEAS—Messrs. President, Arrington, Buford, Creagh, Dent, Fleming, Foster, Hunter, McConnell, Moores, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Walthall, Walker, Watkins, and Watrous.

NAYS—Messrs. Baylor, Brindley, Dailey, Hudson, King, McClanahan, McVay, Wilson of F., and Wilson of J.

Ordered, that the titles of the aforesaid bills remain unchanged.

The Senate also passed a bill from the House of Representatives, entitled an act to authorize the clerks of the circuit and county courts of the

bounty of Wilcox, and the register in chancery, to make and keep reversed indexes of all cases decided in their respective courts. The caption of which was so amended, as to comport with the contents of the bill as amended by the Senate, making the law therein proposed, applicable, not to Wilcox county alone, but to this State at large:

An act for the relief of William R. Bracken; was read the second time and ordered to a third reading on to-morrow.

Mr. President announced that the hour of eleven o'clock had arrived, whereupon the Senate resumed the consideration of the special order for that hour, (Mr. Walthall's resolution relative to districting the State upon the white basis). After some discussion of the subject, Mr. Baylor yielded the floor to a motion of adjournment from Mr. Hudson,—on whose motion, the Senate postponed the further consideration of the resolution till eleven o'clock to-morrow.

Mr. President laid before the Senate a communication from the Cashier of the Branch Bank at Montgomery, communicating the information called for by resolution of the sixth instant; which, on motion of Mr. Hudson, was referred to the State Bank committee.

Mr. Ross made the following report: The committee on enrolled bills, have examined and find correctly enrolled, an act to compensate Henry Farrar for a slave executed in pursuance of law.

On motion of Mr. Hudson, the Senate then adjourned till ten o'clock to-morrow.

SENATE CHAMBER, Friday morning, 23d December, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Ross from the committee on enrolled bills, reported that they had examined and found correctly enrolled, an act to organize the county of Coffee.

Mr. Hudson from the select committee to which was referred a resolution of inquiry into the expediency of connecting together the State Bank and Branches, in such manner as to make them Branches of the mother Bank at Tuscaloosa, under proper rules and regulations, have had the subject under consideration, and beg leave to report, that notwithstanding it was evidently the intention of the Legislature originally that the connection sought to be established by this resolution, between the mother Bank and the several Branches, should exist,—yet, on an examination of the several charters of said Branches, it appears that no such connection does in fact exist. It will indeed be found that they are as perfectly independent of the mother Bank, and of each other, as Banks could be, except in this: that in their charters they are called Branches, and that the notes of each are required to be received in payment of debts due to any of them; they can exercise no control over the action of each other, nor indeed can the mother Bank exercise any control over the action of the Branches or any of them. The result of this is, that each has perhaps a different rule of action, and the issues of some are excessive and ruinous to the State, while those of others, in all probability, are more contracted than they should be. Your committee are of opinion

that as they all belong to the State they should be governed by some common and uniform rule of action,—and that to accomplish this, there should be among them some common and controlling head. From this brief view of the subject, it will be perceived that the committee believe it expedient to form a real connection between the mother Bank and the said several Branches,—subjecting the latter to the control of the former; and with that object before them, they report herewith a bill, and recommend to the Senate that the same be passed into a law. The report was laid on the table.

The bill was read the first time and ordered to a second reading.

Mr. Hudson from the State Bank committee, to which was referred an act to place in liquidation the Branch of the Bank of the State of Alabama at Decatur, reported a substitute in lieu thereof, the passage of which is recommended to the Senate.

Mr. Baylor offered the following amendment, to come in at the end of the sixth section: insert in lieu of the words “in like manner as they are required to redeem their own bills,” the following,—“in proportion to the amount of the capital stock of the Bank of the State of Alabama at Tuscaloosa and the several Branches respectively.” Which amendment was under consideration, when Mr. President announced the hour of eleven o’clock to have arrived, and the special order (Mr. Walthall’s resolution) was taken up. The further consideration of the substitute bill of the committee, and of the amendment of Mr. Baylor, were for the present delayed.

The discussion of the special order was then gone into, and after some time spent therein, Mr. Buford moved to postpone their further consideration till to-morrow at eleven o’clock, and make it the special order for that hour; which was carried.

Leave was granted to Mr. Dailey, of absence for an unlimited time; also, Messrs. Walthall, Phillips, and Ross, until Wednesday next.

Mr. Ross made the following report: Mr. President, the committee on enrolled bills have examined and find correctly enrolled, an act to change the name of the county seat of Cherokee county.

Mr. Buford introduced an act to make service on one executor or administrator, service on all.

Mr. Thornton introduced an act for the relief of John Pershouse.

Mr. Watkins introduced an act concerning sixteenth sections.

Mr. Hunter introduced an act concerning breaches of warranty and frauds, in certain cases. Also, an act concerning promissory notes and other securities for the payment of money. All of which were severally read the first time and ordered to a second reading.

On motion of Mr. Baylor, Mr. Creagh was added to the committee on education.

Mr. Baylor offered the following resolution—which was adopted:

Resolved, That hereafter, during the present session of this General Assembly, three members of the committee on education, (of the Senate.) shall constitute a quorum of the same.

On motion of Mr. Buford, the Senate then adjourned till ten o’clock, to-morrow.

SENATE CHAMBER, Saturday, December 24, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Rodgers presented the petition of the citizens of township seven, range eight, in Lawrence county; which was referred to the committee on propositions and grievances.

Mr. Hudson from the committee on accounts and claims, to which was referred an act for the relief of James Pickens, reported the same back to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

Mr. Toulmin, from the State Bank committee, to which was referred an act to enable the State Bank and Branches to pay witnesses in State prosecutions, commenced at their instance, made the following report:

The committee have amended the bill by striking all out after the enacting clause and inserting the following—

“That it shall be lawful in all prosecutions in the name of the State Bank against any individual for any criminal act, or fraud, committed against the State Bank, or any of its Branches, for all necessary witnesses in such prosecution, or prosecutions, to receive their pay from the State Treasury, on presenting to the treasurer the proper certificate of attendance as witnesses: *Provided*, this act shall only extend to cases where the defendant shall have been convicted, and sued to insolvency; which shall be certified to the clerk of the court in which such prosecution shall have been ended.

Section 2. *And be it further enacted*, That in all such cases where the State shall fail, and the defendant shall be discharged, the witnesses on the part of the State shall receive their pay from the treasurer in like manner.

The committee also report, that though they have amended the bill as shewn, they deem it inexpedient to legislate on the subject.

The Senate concurred in the amendment and ordered the bill and report to lie on the table.

Mr. Walker, from the same committee, to which was referred so much of the Governor's message as relates to the Planters and Merchants Bank of Mobile, reported a bill entitled an act for the final settlement of the affairs of the Planters and Merchants Bank of Mobile; which was read the first time and ordered to a second reading.

Mr. Walker, from the select committee, to which was referred an act to reduce the salaries of certain officers therein named, reported the following amendments to the bill and recommended their adoption:

First—Strike out all after the word “law,” in the latter part of the second section.

Second—Strike out all of the third section which relates to Attorney General and Solicitor.

Third—Insert the following as an additional section:

Section 6. *Be it further enacted*, That so much of the law now in force as requires the Governor to reside at the seat of government during the recess of the General Assembly, be and the same is hereby repealed.

The yeas and nays were desired on concurring in the first amendment proposed by the committee:

YEAS—Messrs. Baylor, McClanahan, Moores, Thornton, Toulmin and Walker—6.

NAYS—Messrs. President, Arrington, Brindley, Buford, Creagh, Dent, Fleming, Foster, Hudson, Hunter, McConnell, McVay, Oliver, Reese, Rodgers, Watkins, Watrous and Wilson of J.—18.

So the amendment was rejected.

The yeas and nays were desired on the adoption of the second amendment:

YEAS—Messrs. Hunter, Moores, Thornton, Toulmin and Walker—5.

NAYS—Messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Dent, Fleming, Foster, Hudson, McClanahan, McConnell, McVay, Oliver, Reese, Rodgers, Watkins, Watrous and Wilson of J.—19.

So the amendment was rejected.

The yeas and nays were then called on the adoption of the third amendment.

YEAS—Messrs. Baylor, Buford, Fleming, Foster, McConnell, McVay, Oliver, Rodgers, Thornton, Walker and Watkins—11.

NAYS—Messrs. President, Arrington, Brindley, Creagh, Dent, Hudson, Hunter, McClanahan, Moores, Reese, Toulmin and Wilson of J.—12.

So the Senate refused to adopt the additional section.

Mr. Dent moved to strike out these words, "now in office, and others," where they occur in the bill; which was carried.

The bill was then ordered to be engrossed.

Mr. President announced the hour set for the discussion of Mr. Wall's resolution had arrived.

On motion of Mr. Hunter, the special order was postponed for one hour, and, afterwards, on motion of Mr. Watrous, postponed till twelve o'clock on the second day of January, and made the special order for that hour.

A bill to repeal the several acts making appropriations in aid of revenueless sixteenth sections, being also a special order, was then taken up.

Mr. Wilson of J. moved to postpone the bill till twelve o'clock, on Tuesday, third day of January next, and make it the special order for that hour.

On which motion Mr. Creagh demanded the yeas and nays:

YEAS—Messrs. Arrington, Brindley, Fleming, Foster, Hudson, McClanahan, McConnell, Reese, Rodgers, Watrous and Wilson of J.—11.

NAYS—Messrs. President, Baylor, Buford, Creagh, Dent, Hunter, McVay, Moores, Oliver, Thornton, Toulmin, Walker and Watkins—11.

So the Senate refused to postpone till Tuesday week.

Mr. Walker moved to postpone to twelve o'clock, on Thursday next.

Mr. Creagh desired the yeas and nays:

YEAS—Messrs. Arrington, Baylor, Brindley, Dent, Fleming, Foster, Hudson, McClanahan, McConnell, McVay, Reese, Rodgers, Thornton, Walker, Watrous and Wilson of J.—16.

NAYS—Messrs. President, Buford, Creagh, Hunter, Moores, Oliver, Toulmin and Watkins—9.

So the further consideration of the bill was postponed till twelve o'clock, on Thursday next, and made the special order for that hour.

An act to abolish the common law jurisdiction of the county courts was then taken up, (it also being a special order,) and on motion of Mr. Baylor, was made the special order for Thursday next, at twelve o'clock

Mr. Fleming, from the committee on county boundaries, to which was referred the memorial of a portion of the citizens of Greene county, praying that a part of Greene county may be attached to Perry county, reported a bill entitled an act to attach a part of Greene to Perry county; which was read the first time and ordered to a second reading.

Mr. Wilson of J. from the committee on roads, bridges and ferries, to which was referred a bill to authorize Charles McLemore and his associates to build a bridge across Tallapoosa river, reported the same back to the Senate with the following amendment: insert after the word "bridge," in the third section, and sixth line from the top, the words "or any of their agents or hands;" and with the adoption of this amendment, recommend its passage. The bill was placed among the orders of the day.

Mr. Hudson, from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens. praying that James J. McQueen be permitted to build and keep a toll bridge across the Pintlala creek, reported a bill entitled an act to authorize James J. McQueen to erect a toll bridge across the Pintlala creek; which was read the first time and ordered to a second reading.

Mr. Baylor, from the committee on education, to which was referred a resolution of inquiry into the propriety of levying a tax upon every description of property, sufficient to educate the children of indigent persons only in each township in this State, where the sixteenth section does not yield a fund sufficient for that purpose, made the following report:

That they had duly considered the proposition contained in the resolution; and while they admit the importance, both in a general and particular estimation, the security which its extensive diffusion among the people affords to free governments, and the moral and intellectual character to which it raises the individual; while they have not been unmindful of the solemn injunction of the constitution, the schools and means of education shall forever be encouraged in this State; and while they behold, with pain, the many evidences of that deficiency of education which it is the object of the resolution to supply; the committee have nevertheless felt themselves compelled to report, that legislation on this subject is at this time inexpedient, on the commencement of that great change we are about adopting in our financial policy, by again resorting to taxation to defray the expenses of our State government—a measure which, though it may not properly be called an expe-

riment, is a return to a former course of policy, which many of our citizens had fondly hoped had been forever abandoned.

The committee believe it would be impolitic to increase the burden about to be imposed upon the people, even for so laudable an object as that contemplated by the resolution—the education of the children of our indigent citizens. At some future and more auspicious period, the committee believe the enactment of a law providing for the object of the resolution, would be an act of wise and patriotic legislation. With the submission of these views, the committee ask to be discharged from the further consideration of the subject.

Which report was, on motion, ordered to lie on the table.

Mr. McConnell, from the military committee, to which was referred a bill to abolish encampment drills in this State, reported the same back to the Senate with the following amendment: after the word “that” in the second line, insert the words “so much of;” and thus amended, recommended its passage.

The amendment was concurred in, and the bill placed among the orders of the day.

Mr. Walker, from the select committee to which was referred a bill to reduce the compensation of the officers and members of the General Assembly of Alabama, reported the accompanying substitute, and recommend its adoption: strike out all after the enacting clause, and insert the following: “that after the present session of the General Assembly, the members and officers thereof shall for the first six weeks of the session, receive the following compensation, to wit: “the President of the Senate and Speaker of the House of Representatives shall be entitled to receive six dollars per day; and each other member shall be entitled to receive four dollars per day, for every day’s attendance at the General Assembly; and shall be allowed four dollars for every twenty miles traveling to and from the General Assembly. And in the event it shall become necessary for the General Assembly to sit over six weeks, the members thereof shall receive for the seventh week, the following compensation, to wit: the President of the Senate and Speaker of the House of Representatives shall receive only three dollars per day; and each member shall receive only two dollars per day. And all over seven weeks, the President of the Senate and Speaker of the House of Representatives shall receive only two dollars per day; and each member thereof one dollar per day: *Provided*, that if any member shall be detained by sickness after leaving home in coming to, or be unable to attend the House after he arrives at the place where the General Assembly shall sit, he shall be entitled to the same daily allowance as an attending member.

“Sec. 2. *And be it further enacted*, That the Principal Secretary of the Senate, and Principal Clerk of the House of Representatives, shall each receive five dollars and fifty cents per day; the Assistant Secretary, the Assistant and Engrossing Clerks, shall each receive four dollars per day; the Doorkeeper of each House shall receive four dollars per day; the Messenger of the House of Representatives shall receive three dollars and fifty cents per day: which several compensations shall be paid in the manner now prescribed by law.

Mr. Hudson desired the yeas and nays on the adoption of the substitute offered :

YEAS—Messrs. Baylor, Buford, Hunter, McVay, Oliver, Reese, Toulmin and Walker—8.

NAYS—Messrs. President, Brindley, Creagh, Dent, Fleming, Foster, Hudson, McClanahan, McConnell, Moores, Rodgers, Thornton, Watkins, Watrous and Wilson of J.—15.

So the substitute was rejected.

The question then recurred on the amendment offered by Mr. Watkins; which was adopted.

Mr. Creagh, desired the yeas and nays on Mr. Buford's amendment:

YEAS—Messrs. Buford, Creagh, Hunter Moores, Oliver, Reese and Rodgers—7.

NAYS—Messrs. President, Baylor, Brindley, Dent, Fleming, Foster, Hudson, McClanahan, McVay, McConnell, Thornton, Toulmin, Walker, Watkins, Watrous and Wilson of J.—16.

So the amendment offered by Mr. Buford, was lost.

The question then recurred on the amendment offered by Mr. Jones, in the absence of whom, Mr. President, (Mr. Fleming in the Chair,) moved to lay the bill and amendment on the table—the yeas and nays were desired:

YEAS—Messrs. President, Baylor, Buford, Fleming, Foster, Hudson, McClanahan, Moores, Rodgers, Thornton, Toulmin and Wilson of J.—12.

NAYS—Messrs. Brindley, Creagh, Dent, Hunter, McConnel, McVay, Oliver, Reese, Walker and Watkins—10.

So the bill and amendments were laid on the table.

Mr. Hudson from the select committee, to whom was referred joint resolutions from the House of Representatives, proposing amendments to the Constitution, reported the same back, without amendment, and recommended its passage—the joint resolutions were accordingly placed among the orders of the day.

Mr. Hudson from the same committee, also made the following report:

The select committee to which was referred a joint resolution, proposing to alter the twelfth section of the fifth article of the Constitution of the State of Alabama, making the Judges of the county courts elective by the people, have had the same under consideration, and report it back to the Senate; deeming it unnecessary to legislate further on the subject.

A joint resolution of the same tenor has passed the House of Representatives and is now in the possession of the Senate.

The report and joint resolutions were ordered to lie on the table.

Leave of absence was granted to Messrs. King and Wilson of F. until Wednesday next.

Mr. Foster introduced a bill for the relief of Mildred Hogue.

Mr. Toulmin introduced a bill to regulate the expenditures of the county of Mobile, and for other purposes.

Mr. Rodgers introduced a bill to rescind a contract therein mentioned.

Mr. Foster introduced a bill to appoint Benjamin D. Cook, of Cherokee county, guardian of certain free persons of color, therein named, which were severally read the first time and ordered to a second reading on to-morrow.

The Senate then proceeded to the consideration of the orders of the day.

The substitute bill for replacing in liquidation the affairs of the Branch Bank at Decatur, together with the amendment proposed by Mr. Baylor, which were under consideration yesterday, and suspended by the special order, were taken up, and on motion of Mr. Moores, made the special order for Thursday next, at twelve o'clock, M.

An act to alter the mode of electing the President and Directors of the Bank of the State of Alabama and of the several Branches thereof, and for other purposes, was read the second time, and on motion of Mr. Hudson, referred to the State Bank Committee.

An act to authorize the surviving executors of the last will and testament of Raymond Burroughs, deceased, to sell two acres of land, &c.—was read the second time, and on motion of Mr. Watrous, referred to the judiciary committee.

Bills of the following titles were severally read the third time, and passed, to wit:

An act to repeal in part, and amend an act, to provide for the sale of lands and slaves in the town of Decatur, in certain cases, approved, January second, eighteen hundred and forty:

An act for the relief of William R. Bracken—ordered, that the Secretary forthwith convey the same to the House of Representatives.

An act relative to Commissioners' Courts of Roads and Revenue, for the counties of Montgomery and Lowndes:

An act, amendatory of an act, entitled an act, for the better regulation of the State Printing, and altering the mode of paying for the same:

An act to extend an act, entitled an act, granting certain privileges to Alexander Findley of De Kalb county, approved, December thirty-one, eighteen hundred and forty-one:

An act for the relief of John B. Herron; on the passage of which, Mr. Hudson desired the yeas and nays:

YEAS—Messrs. President, Arrington, Buford, Creagh, Foster, Hunter, McConnell, Moores, Oliver, Reese, Thornton, Toulmin, Walker, and Watrous—15.

NAYS—Messrs. Baylor, Brindley, Dent, Hudson, McClanahan, McVay, Rodgers and Wilson of J.—8.

Ordered, that the titles of the foregoing bills, remain unchanged.

An act to secure a homestead to every family within this State, was read the third time:

Mr. Fleming offered the following amendment: *Provided, That* said forty acres, of land, and other property now exempted by law, shall not exceed two hundred dollars in value; which was lost.

Mr. Dent desired the yeas and nays on the passage of the bill:

YEAS—messrs. President, Arrington, Baylor, Brindley, Buford, Fleming, Foster, Hudson, McConnell, McVay, Rodgers and Wilson of J—12.

NAYS—messrs. Creagh, Dent, Hunter, McClanahan, Moores, Oliver, Reese, Thornton, Toulmin, Walker, Watkins and Watrous—12.

So the Senate refused to pass the bill.

The committee on enrolled bills reported, that they had examined and found correctly enrolled, a bill for the relief of William R. Bracken:

A bill subjecting the several Branches of the Bank of the State of Alabama to the control of the mother Bank at Tuscaloosa, was read the second time.

Mr. Toulmin offered the following amendment: "*Provided* the provisions of this act shall not be considered to apply to any of the Branch Banks which may be placed in liquidation;" which was adopted.

The question then was on ordering the bill to be engrossed;

Mr. Oliver desired the yeas and nays:

YEAS—messrs. Arrington, Baylor, Creagh, Hudson, Hunter, McConnell, McVay, Reese, Rodgers, Thornton, Toulmin, Walker, Watkins and Watrous—14.

NAYS—Messrs. President, Brindley, Buford, Dent, McClanahan, Moores, Oliver and Wilson of J—8

So the bill was ordered to be engrossed.

A bill to be entitled an act to make service on one executor or administrator service on all, was read the second time; and on motion of Mr. Hudson referred to the committee on the judiciary.

A bill to be entitled an act for the relief of the heirs of John Persehouse, was on its second reading, and Mr. Hudson proposed the following amendment, which was adopted: "*Provided*, that nothing herein contained shall effect the rights of existing creditors:"

Mr. Buford proposed the following amendment to the proviso just adopted: "being resident citizens of any State or territory of the United States."

The amendment was still under discussion, when, on motion of Mr. Wilson of J. the Senate adjourned till ten o'clock, on Monday.

SENATE CHAMBER, Monday, Dec. 26, 1842.

The Senate met pursuant to adjournment.

The minutes of Saturday were read and approved.

Mr. Watkins offered the following resolution,—which was adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of associating the commissioners of roads and revenue with the county Judges, in taking bonds of Sheriffs, Administrators, Guardians, &c.

Mr. Creagh offered the following resolution—which was adopted:

Resolved, That the State Bank committee inquire into the expediency of causing the State Bank and Branches to resume specie payments by the first day of July, eighteen hundred and forty-three; and that the committee report by bill or otherwise.

Mr. Creagh offered the following resolution—which was adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of affording some relief to those that hold the paper of

the State Bank or either of the Branches thereof—and whose property has been levied on by execution, and the specie demanded on the same, and that the committee report by bill or otherwise.

Leave of absence till Wednesday next was granted to Mr. Wilson of F.

Mr. President laid before the Senate a communication from B. Gayle, Esq., Cashier of the Branch Bank at Mobile, responsive to a resolution of the Senate; which, on motion of Mr. Hudson, was referred to the committee on the State Bank.

Mr. Dent, from the military committee, to which was referred a resolution of inquiry, as to the propriety of making an allowance to Abraham Berry for taking care of a portion of the camp equipage of the Alabama militia, reported a bill, and recommended its passage.

A bill to be entitled an act to compensate Abraham Berry, was then read the first time, and ordered to a second reading on to-morrow.

Mr. Toulmin moved to reconsider the vote taken on Saturday, on the passage of a bill to secure a homestead to every family within this State:

Mr. McConnell moved to postpone the vote proposed to be taken by Mr. Toulmin until Monday next—carried.

Mr. Wilson of J. moved to reconsider the vote taken on Saturday, on concurring in the report of the committee, so far as relates to the first amendment, in relation to the perquisites of the Secretary of State:

On Mr Hudson's motion, the vote on reconsidering was deferred until Monday next.

The Senate then proceeded to the consideration of the orders of the day.

The amendment offered by Mr. Buford to a bill for the relief of the heirs of John Pershouse, which was under discussion when the Senate adjourned on Saturday, was taken up, and after some discussion thereon, the bill and amendments were, on motion of Mr. Buford, referred to a select committee—messrs. Thornton, Buford and Baylor composed said committee.

Bills of the following titles were then read the second time:

An act concerning sixteenth sections—which was referred the committee on education:

An act concerning breaches of warranty and frauds in certain cases, was referred to the judiciary committee:

An act concerning promissory notes and other securities for the payment of money, was referred to the judiciary committee.

Engrossed bills from the House of Representatives, entitled:

An act for the relief of James Pickens:

An act to abolish brigade encampment drills in this State, and for other purposes, were severally read the third time, and passed:

Also, joint resolutions proposing amendments to the Constitution; on the passage of which Mr. Hudson desired the yeas and nays.

YEAS—messrs. Arrington, Baylor, Brindley, Buford, Creagh, Dent, Foster, Hudson, McClanahan, McConnell, McVay, Oliver, Reese, Rodgers, Thornton, Toulmin, Walker, Watkins and Wilson of J—19.

NAYS—messrs. President, Fleming, Hunter and Moores—4

So the joint resolutions passed.

Ordered that the titles of the foregoing bills and joint resolutions remain unchanged, and that the Secretary immediately acquaint the House of Representatives of their passage.

A bill to be entitled an act to authorize Charles McLemore and his associates to build a bridge across the Tallapoosa river in the county of Tallapoosa, was read the second time:

Mr. Baylor proposed the following amendment:

Be it further enacted, That nothing in this act contained, shall be so construed as to prevent any future legislature of the State of Alabama from altering or repealing the act of incorporation.

(Mr. Creagh in the Chair) Mr. Buford proposed to amend the amendment offered by Mr. Baylor, by adding to it "after — years from the passage thereof;" on the adoption of which the yeas and nays were desired:

YEAS—messrs. Arrington, Buford, Creagh, Hudson, Hunter, McConnell, Moores, Oliver, Reese, Thornton Walker and Watkins,—12.

NAYS—messrs. President, Baylor, Brindley, Dent, Fleming, McClanahan, McVay, Rodgers, Toulmin and Wilson of J—10.

So the amendment to the amendment was adopted.

The yeas and nays were then desired on the adoption of the amendment as amended:

YEAS—messrs. President, Arrington, Baylor, Buford, Creagh, Fleming, McClanahan, McConnell, McVay, Toulmin, Walker and Watrous—12.

NAYS—messrs. Brindley, Dent, Hudson, Hunter, Moores, Oliver, Reese, Rodgers, Thornton, and Wilson of J—10.

So the amended amendment was adopted.

Mr. President offered the following amendment: "*Provided*, the issuance of shin plasters, or change tickets shall be held and deemed a violation of the sixth section in relation to banking privileges"—which was adopted.

Mr. Baylor moved that the bill and amendments be recommitted to the committee on roads, bridges and ferries, with instructions to fix the rates of toll; which motion was lost.

The bill was then ordered to be engrossed.

An act for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile, was read the second time, and referred to the committee on the State Bank.

(Mr. Hudson in the Chair.) Bills of the following titles were read the second time, and ordered to be engrossed:

An act to attach a part of Greene to Perry county:

And an act to regulate the expenditures of the county of Mobile, and for other purposes:

And an act to authorize Jas. J. McQueen to erect a toll bridge across Pintlala creek, was read the second time:

Mr. Baylor moved the following amendment:

Be it further enacted, That nothing in this act contained, shall be so

construed, as to prevent any future legislature of this State from altering, modifying or repealing this act of incorporation;" on the adoption of which the yeas and nays were desired:

YEAS—Messrs. President, Baylor, Creagh, McClanahan, McVay, Rodgers, Toulmin and Walker—8.

NAYS—Messrs. Arrington, Brindley, Buford, Dent, Fleming, Hudson, Hunter, McConnell, Moores, Oliver, Thornton and Watkins—12.

So the amendment was lost.

Mr. President then offered the following amendment: "*Provided*, nothing in the foregoing act contained, shall be construed into granting banking privileges, and that the issuance of shin plasters shall be construed into the exercise of such privilege;" which amendment was adopted.

The bill as amended was then ordered to be engrossed.

A bill to reduce the salaries of certain officers therein named was on its third reading.

Mr. McConnell moved to suspend the orders of the day.

Mr. Toulmin moved to reconsider the vote taken on Saturday, on so much of the report of the select committee as relates to the salary of the Governor, and requiring him to reside at the seat of government during the recess of the General Assembly.

On motion of Mr. Walker, the vote on reconsideration and the bill under consideration were postponed until Monday next.

An act for the relief of Mildred Hogue was read a second time.

Mr. Brindley offered the following amendment, which was adopted: "so long as she and her said husband remain separate and apart."

The question then was on the engrossment of the bill as amended. The yeas and nays were desired:

YEAS—Messrs. Arrington, Brindley, Buford, Dent, Fleming, Foster, McClanahan, McConnell, Moores, Oliver, Reese, Rodgers, Walker and Wilson of J.

NAYS—Messrs. President, Baylor, Creagh, Hudson, Hunter, McVay, Toulmin and Watkins.

So the bill was ordered to be engrossed.

A bill to rescind a contract therein mentioned was read a second time and referred to the committee on propositions and grievances.

A bill to appoint Benjamin D. Cook, of Cherokee county, guardian of certain free persons of color therein named, was read the second time, and on motion of Mr. Hudson, referred to the committee on the judiciary.

A bill subjecting the several Branches of the Bank of the State of Alabama to the control of the mother Bank of said State, at Tuscaloosa, was on its third reading.

Mr. McConnell moved to postpone the further consideration thereof till Monday next; which was carried.

This completed the orders of the day.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill from the Senate to be entitled an act to change the time of holding the winter session of the county court of Talladega, and for other purposes.

Mr. Buford offered the following resolution :

A joint resolution proposing to restrict the powers and operations of the Branch Bank at Mobile for the present.

Which was read the first time. and on motion of Mr. Hudson, the constitutional rule was suspended, and the resolution forthwith read the second time.

Mr. Dent offered the following amendment: "*Resolved, also*, they shall have no power to make any further settlements with Bank debtors by receiving real estate for the debts due said Bank, until otherwise directed.

Mr. Rodgers offered further to amend by the following: "*Provided further*, that nothing herein contained shall be so construed as to prevent the President and Directors from receiving all moneys which may be offered in payment of bills and notes due said Bank."

Mr. Watkins offered the following: "that the provisions of this resolution be extended to all the Banks in this State."

Mr. Baylor offered the following: "*And be it further enacted*, That the said President and Directors shall not make any contracts for the further extension of the debts due said Branch Bank, until otherwise directed by law."

Mr. Hudson moved to refer the resolution, together with all the amendments, to the State Bank committee; which was carried.

Mr. Thornton, from the select committee to which was referred a bill for the relief of the heirs of John Pershouse, reported the same back to the Senate with the following amendments; and as amended, recommend its passage: after the words "existing creditors," add "*And provided further*, that the relief granted by this act, is upon the express condition, that the said real estate shall be sold by the persons herein intended to be benefited within the term of five years from the passage of this act."

The amendments were concurred in, and the bill read the second time and ordered to be engrossed.

Mr. Thornton offered the following resolution—which was adopted :

Whereas, from the rapid and alarming decrease of the circulating medium which has taken place in the State of Alabama, and in view of the continuance of this state of things, (owing to cessations of Bank discounts,) great distress must inevitably come upon the people:

And whereas, there is a large amount of indebtedness from the people to the Banks, reaching nearly to twenty millions of dollars, and only about one-fourth of that amount of Bank paper in circulation, for which, during the suspension of specie payments by the Banks, no specie can be obtained :

Whereas, also, the people will be compelled to pay specie to the amount of the excess of the indebtedness to the Banks over and above their notes in circulation: Therefore,

Be it Resolved, That the committee on the State Bank be instructed inquire into the expediency of passing a bill to be entitled an act the better to secure debts due to the Bank of the State of Alabama and its several Branches; requiring all debtors to the said Banks to pay their

debts by instalments of twenty per cent. of the said debts, to be secured in such manner as may be satisfactory to the Boards of Directors of the said several Banks; or in case they fail to do so within ——— months after the passage of said law, then payment of such debts to be coerced according to existing laws.

On motion of Mr. McConnell, the Senate adjourned until to-morrow morning, at ten o'clock.

SENATE CHAMBER, Tuesday, Dec. 27, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. McClanahan, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled an act to change the time of holding the winter session of Talladega county court.

Mr. President laid before the Senate a communication and accompanying documents from the Cashier of the Branch Bank at Decatur:

Also, a communication and documents relating thereto from the Cashier of the Branch Bank at Huntsville.

All of which, on motion of Mr. Hudson, were referred to the State Bank committee.

Mr. Toulmin, from the State Bank committee, to which was referred on yesterday joint resolutions and amendments, proposing to suspend for the present certain powers now possessed by the Branch Bank at Mobile, and the State Bank and the other several Branches thereof, reported as a substitute preamble and joint resolutions, and recommended their adoption.

The substitute offered by the committee is as follows:

Whereas, it is contemplated by the present General Assembly to place in liquidation the Branches of the State Bank at Mobile and Decatur: Therefore, with a view to this object,

Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the powers of the Mobile and Decatur Branch Banks to lend money on bills and notes, and making settlements with the debtors of said Branch Banks by receiving real or personal property in the payment of debts be, and the same are hereby suspended, until otherwise directed by the Legislature: Provided, however, that nothing herein contained shall be so construed as to prevent the President and Directors from receiving all moneys which may be offered in full or partial payment of bills or notes due said Branch Banks.

Be it further Resolved, That the Secretary of State be required, immediately on the passage of these joint resolutions, to transmit by mail a copy of the foregoing resolutions to the Presidents and Directors of the said Branch Banks.

Mr. Creagh offered the following amendment: "*Provided further, that the provisions of the foregoing resolutions shall be applicable to the State Bank and each of the Branch Banks.*"

Mr. Hudson proposed the following amendment to the amendment of Mr. Creagh: "so far as extends to taking real estate in settlement of debts due the said Banks;" on which the yeas and nays were desired.

YEAS—messrs. Baylor, Brindley, Hudson, Rodgers, Walker and Wilson of J.—6.

NAYS—messrs. President, Arrington, Buford, Creagh, Dent, Fleming, Foster, McClanahan, McConnell, McVay, Moores, Oliver, Thornton, Toulmin and Watkins—15.

So the amendment of Mr. Hudson was lost.

The question then recurred on the adoption of Mr. Creagh's amendment; on which the yeas and nays were desired.

YEAS—messrs. Creagh, Hudson, Rodgers and Watkins—4.

NAYS—messrs. President, Arrington, Baylor, Brindley, Buford, Dent, Fleming, Foster, McClanahan, McConnell, McVay, Moores, Oliver, Thornton, Toulmin, Walker and Wilson of J.—17.

So the amendment was lost.

Mr. Hudson proposed the following amendment, and desired the yeas and nays thereon: "*Provided*, nothing herein contained shall prevent the said Banks from taking a lien on real or personal property to secure the bad and doubtful debts due the said institution

Those who voted for its adoption are Messrs. President, Baylor, Brindley, Buford, Hudson, McClanahan, McVay, Moores, Oliver, Rodgers, Thornton, Toulmin, Walker, Watkins and Wilson of J.—16.

NAYS—messrs. Arrington, Creagh, Dent, Fleming and McConnell—5.

So the amendment was adopted, and the bill, as amended, ordered to be engrossed for a third reading on to-morrow.

Mr. Brindley introduced a bill to remove the Branches of the Bank of the State of Alabama to the mother Bank, and to require the resumption of specie payments, and for other purposes; which was read the first time and ordered to a second reading.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—the House of Representatives has passed a bill to regulate the salaries of certain public officers therein named, in which the concurrence of the Senate is requested:

The bill was then read the first time, and the constitutional rule being suspended, the bill was immediately read the second time.

Mr. Thornton moved to amend the bill by striking out the words "fifteen hundred" where it occurs in relation to the salary of the circuit court Judges.

Mr. Hudson desired the yeas and nays thereon:

YEAS—messrs. President, Baylor, Buford, Fleming, Foster, Moores, Thornton, Toulmin and Walker—9.

NAYS—messrs. Arrington, Brindley, Creagh, Dent, Hudson, McClanahan, McConnell, McVay, Rodgers, Watkins and Wilson of J.—11. So the Senate refused to strike out fifteen hundred.

Mr. Wilson of J. moved to strike out the words "two" and "fifty," which would put the salary of the Supreme court Judges at two thousand dollars.

The yeas and nays were called for:

YEAS—Messrs. Arrington, Buford, Fleming, McClanahan, McConnell, McVay, Oliver, Rodgers and Wilson of J—9.

NAYS—Messrs. President, Baylor, Brindley, Creagh, Dent, Foster, Hudson, Moores, Thornton, Toulmin, Walker and Watkins—12.

So the Senate refused to reduce the amount stipulated in the bill.

Mr. Walker proposed the following amendment:

Be it further enacted, That so much of the law now in force as requires the Governor to reside at the seat of Government during the recess of the General Assembly, be and the same is hereby repealed; which was lost

(Mr. Walker in the Chair.) Mr. President offered the following amendment, and desired the yeas and nays on its adoption: "*Provided*, that the provisions of this act shall not apply to the judicial district in which Mobile may be situate:

YEAS—Messrs. President, Baylor, Fleming, Foster, Moores, Thornton, Toulmin and Walker—8.

NAYS—Messrs. Arrington, Brindley, Buford, Creagh, Dent, Hudson, McClanahan, McConnell, McVay, Oliver, Rodgers, Watkins and Wilson of J—13.

So the amendment was lost.

On motion of Mr. Creagh the constitutional rule was further suspended—the bill read the third time and passed

Ordered, that the title remain unchanged, and that the Secretary immediately inform the House of Representatives thereof.

The orders of the day were then taken up.

The following bills were then severally read the third time and passed:

An act to authorize Charles McLemore and his associates to build a bridge across the Tallapoosa river.

The blank in the last section of the bill was, on motion of Mr. Hudson, filled with "ten;"

An act to attach a portion of Greene to Perry county:

An act to authorize James G. McQueen to erect a toll bridge across Pintlala creek:

On Mr. Hudson's motion the first blank was filled with fifty cents, second with twenty-five cents, the third with twelve and a half cents, the fourth with three cents, the fifth was proposed to be filled with two cents, and lost; and the motion to fill the fifth blank with one cent, was carried:

An act to regulate the expenditures of the county of Mobile, and for other purposes:

And an act for the relief of the heirs of John Persehouse.

Ordered, that the titles of the foregoing bills remain unchanged.

An act for the relief of Mildred Hogue was read the third time—Mr. Hudson desired the yeas and nays on its passage:

Those who voted in the affirmative, are messrs. Brindley, Buford, Dent, Foster, McConnell, Moores, Oliver, Walker, and Wilson of J—9

NAYS—Messrs. President, Arrington, Baylor, Creagh, Fleming, Hudson, McClanahan, McVay, Rodgers and Toulmin—10.

So the bill was lost.

A bill to be entitled an act to compensate Abraham Berry, was read a second time, and ordered to be engrossed.

This completed the orders of the day.

Mr. McConnell introduced a bill to regulate the compensation of jurors and witnesses in Talladega county, and for other purposes:

Also, an act authorizing the levy of a special tax in Talladega county:

Which bills were severally read the first time and ordered to a second reading.

Mr. Toulmin introduced a bill to amend the laws in regard to the limitations of actions; which was read the first time and ordered to a second reading.

On motion of Mr. Oliver, a bill to enable the State Bank and Branches to pay witnesses in State prosecutions, commenced at their instance, was taken from the table and placed among the orders for to-morrow.

On motion of Mr. Fleming, the vote taken this morning on the passage of a bill for the relief of Mildred Hogue, was reconsidered, on the question, shall the bill pass?

Mr. Hudson again desired the yeas and nays:

YEAS—Messrs. Brindley, Buford, Dent, Fleming, Foster, McClanahan, McConnell, Moores, Oliver, Walker and Wilson of J—11.

NAYS—Messrs. President, Arrington, Baylor, Creagh, Hudson, McVay, Rodgers, Toulmin and Watkins—9.

So the bill passed.

Ordered, that the caption remain unchanged.

Leave of absence till Monday next was granted to Mr. Hunter.

On motion of Mr. Wilson of J. the Senate then adjourned till ten o'clock, to-morrow morning.

SENATE CHAMBER, Wednesday, December 28, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Foster offered the following resolution—which was adopted:

Resolved, That the committee on internal improvement and inland navigation, inquire into the expediency of passing a law having for its object the application of one half of the two per cent. fund, in constructing a road around the falls of the Coosa river, from some point at, or near the head of steam boat navigation, and continue said road as far up that fund will at present admit of; that the committee report by bill or otherwise.

Mr. President laid before the Senate a communication and documents relating thereto, from the Cashier of the Branch Bank at Mobile, responsive to certain resolutions adopted by the Senate:

On motion of Mr. Hudson, they were referred to the committee on State Bank.

The orders of the day were then taken up.

Engrossed joint preamble and resolutions of the General Assembly of Alabama, relating to the Bank of the State of Alabama and its several Branches, were read the third time and passed.

Ordered, that the Secretary forthwith inform the House of Representatives thereof.

A bill to remove the Branches of the Bank of the State of Alabama to the mother Bank, and to require the resumption of specie payment, and for other purposes, was read the second time, and on motion of Mr. Hudson, referred to the committee on the State Bank.

Engrossed bill to compensate Abraham Berry, of the county of Tuscaloosa; was read the third time, and passed—ordered, that the title remain unchanged.

Bills of the following titles, were then read the second time, and ordered to be engrossed:

An act authorizing the levy of a special tax in Talladega county:

And an act to regulate the compensation of jurors and witnesses in Talladega county, and for other purposes.

A bill to amend the laws in regard to limitations of actions, was read the second time, and on motion of Mr. Walker, referred to the judiciary committee.

A bill to enable the State Bank and its Branches, to pay witnesses in State prosecutions commenced at their instance, was read the second time, and the Senate refused to order it to be engrossed.

This completed the orders of the day.

A message was received from the Governor by his private Secretary, Mr. Harrison:

Mr. President—His Excellency, the Governor, did, on this day, approve a bill, which originated in the Senate, of the following title, to wit:

An act to change the time of holding the winter session of the county court of Talladega county, and for other purposes.

Mr. Dent from the select committee, to which was referred a bill to regulate and establish the proceedings in justices' courts in this State—reported the bill back, with the following amendments:—Strike out the words, "this State," from the caption of the bill, and insert in lieu thereof, the following:—"the county of Tuscaloosa;" also at the end of the seventh section, "subject to defences and the trial by jury on appeal, as aforesaid;" also the following additional section:—"Sec. 21. *And be it further enacted*, That this act shall not take effect until after the first day of June, eighteen hundred and forty-three," and with these amendments, the committee recommend the passage of the bill—the amendments were concurred in by the Senate, and the bill was then read the second time, and ordered to be engrossed for a third reading.

Mr. Creagh introduced a bill to regulate the admission of attorneys at law, to practice within this State; which was read the first time and ordered to a second reading on to-morrow.

Mr. Rodgers moved to reconsider the vote on ordering to be engrossed, an act to enable the State Bank and Branches, to pay witnesses in State prosecutions, commenced at their instance.

On motion of Mr. Hudson, the vote on reconsidering, was postponed until Monday next.

On motion of Mr. Baylor, the Senate adjourned until to-morrow morning, at ten o'clock.

THURSDAY, 29th December, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

The following petitions were presented and referred to the appropriate committees, viz:

By Mr. Fleming, the petition of Logan Brandon; referred to the committee on accounts and claims—also the petition of sundry citizens, in behalf of John Baird; referred to a select committee—composed of messrs. Fleming, Baylor and McConnell.

By Mr. Buford, the petition of sundry citizens of Barbour county, in relation to a judgment against Ellison Warren, for taxes; referred to the judiciary committee.

Mr. Baylor from the committee on education, to which was referred the petition of the inhabitants of township eighteen, of range five, east, in the Coosa land District, reported a bill granting the prayer of the petitioners, and recommended its passage.

An act for the relief of purchasers of section sixteen, of township eighteen, of five, east, in the Coosa land district, was read the first time and ordered to a second reading.

Mr. Toulmin, from the committee on the State Bank, to which was referred the preamble and resolutions of a public meeting in Russell county, reported that the several subjects referred to in the proceedings of that meeting, have been acted on in part by the Senate, and the attention of the committee having been drawn to the remaining part by the reference of bills and resolutions; the committee report said preamble and resolutions back to the Senate, and ask to be discharged from the further consideration of the subject—whereupon the committee was discharged.

Mr. Hudson offered the following resolution—which was adopted:

Resolved, That the judiciary committee be instructed to inquire into the expediency of reducing the rate of damages on error, from ten to five per cent; and that they report by bill or otherwise.

On motion of Mr. Thornton, Mr. Moores was added to the committee on the judiciary.

On motion of Mr. Terry, Mr. Kennedy was added to the committee on the Penitentiary.

Mr. Baylor from the committee on education, asked that said committee might be discharged from the further consideration of the petition of Ellison C. Cain and other citizens of Limestone county, and that the same be referred to the judiciary committee; which was carried.

The Senate then took up the orders of the day.

Bills of the following titles were severally read the third time and passed:

An act to regulate the compensation of jurors and witnesses in Tallapoosa county, and for other purposes:

An act authorizing the levy of a special tax in Talladega county :
 And an act to regulate the proceedings in justices' courts in the county of Tuscaloosa.

Ordered, that the titles of the foregoing bills remain unchanged.

An act to regulate the admission of attorneys at law to practice within this State, was read the second time, and referred to the committee on the judiciary.

This completed the orders of the day.

Mr. McClanahan offered the following resolution :

Resolved, That the judiciary committee be instructed to inquire into the expediency of amending the law in relation to trustees, so as to authorize the register in chancery to give the notice by publication, that is now required to be given by the trustees, before he can resign his trust: which was adopted—also the following report :

The committee on enrolled bills has examined and found correctly enrolled,

An act for the relief of certain persons therein named.

On motion of Mr. Hudson, the special orders were then taken up.

An act to repeal the several acts making appropriations in aid of valueless sixteenth sections.

On motion, this bill was further postponed until Monday next, and made the special order for twelve o'clock.

An act to abolish the common law jurisdiction of the county courts being also a special order, was, on motion, postponed till Monday next, and made the special order for twelve o'clock.

An act for the regulation of the Branch of the Bank of the State at Decatur, being also a special order, was, on motion, postponed until Tuesday next, and made the special order for twelve o'clock.

A message by Mr. Clitherall :

Mr. President—The House of Representatives disagree to the amendments of the Senate to the bill from the House to authorize the clerks of the circuit and county courts of the county of Wilcox, and the register in chancery, to make out and keep reversed indexes of all causes decided in their respective courts.

On motion of Mr. Creagh, the consideration of the subject was postponed until Tuesday next.

Bills of the following titles were read the first time, and ordered to a second reading on to-morrow—

An act authorizing proceedings at the instance of the State of Alabama against the owners of turnpike roads in certain cases, introduced by Mr. Brindley :

And an act concerning the registration of deeds, introduced by Mr. Creagh.

On motion of Mr. Hudson, the Senate then adjourned till ten o'clock to-morrow.

FRIDAY, December 30, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson, from the committee on roads, bridges and ferries, to which was referred a resolution of inquiry into the expediency of changing the law in relation to public roads, reported it inexpedient to legislate on the first part of said resolution, and submitted a bill covering the latter proposition, to be entitled an act to reduce the width of lanes on roads of the second and third grades in this State; which was read the first time and ordered to a second reading.

Mr. McVay, from the committee on propositions and grievances, to which was referred the petition of sundry citizens of Lawrence county, reported a bill to be entitled an act to rescind a contract therein named; which was read the first time and ordered to a second reading.

Mr. McVay, from the same committee, to which was referred a bill for the rescision of a contract therein named; reported the same back to the Senate, and asked to be discharged from the further consideration thereof, for the reasons that the provisions of said bill are embraced in a bill already before the Senate; whereupon, the committee were discharged.

Mr. Foster introduced a bill entitled an act more fully to carry into effect joint resolutions passed at the present session of the Legislature, upon the subject of the alteration of the constitution of the State of Alabama; which was read the first time, and ordered to a second reading.

The Senate then proceeded to the consideration of the orders of the day.

An act for the relief of the purchasers of section sixteen, township eighteen, range five, east, in the Coosa land district, was read the second time.

Mr. Moores moved to amend by inserting after the word "contract," in the sixth line from the end of the bill, the word "all."

Mr. McVay moved further to amend, by adding after the word "inhabitants," in the same line, these words: "being qualified voters."

On motion of Mr. Hudson, the bill was recommitted to the committee on education.

An act concerning the registration of deeds, on its second reading, passed, on motion of Mr. Phillips, referred to the committee on the judiciary:

An act authorizing proceedings at the instance of the State of Alabama, against owners of turnpike roads in certain cases, was read the second time and ordered to be engrossed.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has passed the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will convene in the Hall of the House on Saturday, the thirty-first instant, at the hour of twelve o'clock, M., for the purpose of electing

three judges for the Supreme Court, to fill the vacancies created by the expiration of the term of service of the Hon. Henry W. Collier, Hon. Henry Goldthwaite, and the Hon. John J. Ormond.

Also a preamble and joint resolutions which originated in the Senate relative to the Bank of the State of Alabama and its several Branches, and have amended the same as therein shown; and have also amended the caption.

In all of which the concurrence of your Honorable body is requested.

Mr. McVay moved to strike out of the resolution, "Saturday, thirty-first instant, at twelve o'clock, M.;" which was lost.

The Senate concurred in the resolution of the House proposing to elect the judges for the Supreme Court on the thirty-first instant, at twelve o'clock, M.

Also in the several amendments made by the House to the joint resolutions of the Senate; and adopted the caption as amended by the House, to wit: "preamble and joint resolutions relative to the Branches of the Bank of the State of Alabama at Mobile and Decatur."

On the adoption of the last resolution, to wit: "*Provided*, said Banks shall not increase their circulation, by advancing money on any such purchase."

Mr. Rodgers desired the yeas and nays:

YEAS—Messrs. Arrington, Brindley, Buford, Creagh, Dent, Foster, King, McConnell, Moores, Oliver, Phillips, Reese, Ross, Walker, Watkins and Wilson of J.—16.

NAYS—Messrs. President, Fleming, Hudson, McClanahan, McVay, Rodgers, Thornton, Toulmin and Walthall—9.

Mr. McConnell introduced a bill for the relief of Hiram A. Dufrease, of Talladega county.

Mr. Walker introduced a bill to amend the charter of the Montgomery Rail Road Company, and for other purposes.

Mr. Oliver introduced a bill authorizing Thomas M. Cowles to take out letters of administration in the county of Montgomery.

Mr. Phillips introduced a bill to amend an act entitled an act to incorporate the Cahawba Academy in the county of Dallas, approved January tenth, eighteen hundred and thirty-one.

These bills were severally read the first time, and ordered to a second reading on to-morrow.

Mr. Ross reported that the committee on enrolled bills had examined and found correctly enrolled, a preamble and joint resolutions relative to the Branches of the Bank of the State of Alabama at Mobile and Decatur:

Also, an act to amend an act entitled an act to establish a road court in Mobile county, approved twenty-seventh December, eighteen hundred and forty.

Mr. Fleming, from the select committee to which was referred the petition of sundry citizens in behalf of John Baird, reported a bill for the relief of John Baird; which was read the first time and ordered to a second reading.

Mr. Toulmin, from the State Bank committee, to which was referred

a bill to alter the mode of electing the President and Directors of the Bank of the State of Alabama and of the several Branches thereof, and for other purposes, reported a substitute bill; which was read, and the yeas and nays called on its adoption:

YEAS—Messrs. President, Baylor, Creagh, Foster, Hudson, Jones, King, McClanahan, McConnell, McVay, Phillips, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watkins and Wilson of J.—19.

NAYS—Messrs. Arrington, Brindley, Buford, Dent, Fleming, Oliver and Reese—7.

So the Senate adopted the substitute bill.

Mr. Buford offered the following amendment, and desired the yeas and nays on its adoption: “*Provided*, that two-thirds of all the votes cast, shall be necessary to an election.”

YEAS—Messrs. Arrington, Brindley, Buford, Fleming, King, Moores, Oliver, Phillips, Reese, Thornton, Walthall and Watkins—12.

NAYS—Messrs. President, Baylor, Creagh, Dent, Foster, Hudson, Jones, McClanahan, McConnell, McVay, Rodgers, Ross, Toulmin, Walker and Wilson of J.—15.

So the amendment was lost.

Mr. Creagh moved to amend by striking out “twenty,” and inserting “five;” which was carried.

Mr. Rodgers offered the following amendment, and desired the yeas and nays on its adoption: “*And be it further enacted*, That from and after the present session of the General Assembly, it shall be the duty of the Governor to cause to be published, in some one or more of the newspapers published in the town or city where the Banks are located, the names of the persons he intends presenting to the Legislature, for acceptance or rejection as Bank Directors, one month previous to the meeting of the Legislature.”

YEAS—Messrs. President, Arrington, Brindley, Buford, Creagh, Fleming, King, Moores, Oliver, Phillips, Reese and Rodgers—12.

NAYS—Messrs. Baylor, Dent, Foster, Hudson, Jones, McClanahan, McConnell, McVay, Ross, Thornton, Toulmin, Walker, Walthall, Watkins and Wilson of J.—15.

So the amendment was lost.

The yeas and nays were then desired, on ordering the bill to be engrossed:

YEAS—Messrs. President, Arrington, Baylor, Creagh, Foster, Hudson, Jones, McClanahan, McConnell, McVay, Phillips, Ross, Thornton, Toulmin, Walker, Walthall, Watkins and Wilson of J.—18.

NAYS—Messrs. Brindley, Buford, Dent, Fleming, King, Moores, Oliver, Reese and Rodgers—9.

So the bill was ordered to be engrossed for a third reading.

Mr. Toulmin, from the same committee, to which was referred a resolution of inquiry into the expediency of placing in liquidation all the Branches of the State Bank, or consolidating the State Bank and Branches; also of reducing the amount of circulation, by the collection of debts, with a view of a speedy resumption of specie payments, reported inexpedient to enact a law embracing the views contained in the first

clause of the resolution ; and the subject of the second clause of the resolution as embraced in a bill now before the Senate—and asked to be discharged from the further consideration of the subject.

The committee was accordingly discharged.

A message by Mr. Clitherall :

Mr. President—The House of Representatives has passed the following bill from the Senate, to be entitled an act to establish a road court in Mobile county, approved December twenty-seventh, eighteen hundred and forty one, and have amended the same as therein shown. In which the concurrence of the Senate is requested.

The Senate concurred in the amendment.

On motion of Mr. Baylor, the Senate adjourned till ten o'clock, to-morrow.

SATURDAY, December 31, 1842.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson, from the committee on accounts and claims, to which was referred the claim of Joseph E. Caro, reported that it was inexpedient to allow the claim, inasmuch as three thousand five hundred and nineteen dollars and twenty cents, have already been paid Mr. Caro, on account of the services performed by him, as they deem that amount an ample compensation.

The Senate concurred in the report of the committee.

Mr. Thornton, from the judiciary committee, to which was referred the petition of John R. K. Wilborn and others, and the counter petition of Allison C. Cain and others, reported it inexpedient to grant the prayer of the petition of John R. Wilborn and others.

Mr. Thornton, from the same committee, to which was referred a resolution of inquiry into the expediency of associating the commissioners of roads and revenue with the county judge, in taking bonds of sheriffs, &c. &c., reported it inexpedient to enact a general law for the purposes suggested in the resolution.

Which report was concurred in, and the committee discharged from the further consideration of the subject.

Mr. Thornton, from the same committee, to which was referred an act to amend the laws in regard to limitation of actions, reported the same back to the Senate, and recommended its passage.

The bill was accordingly placed among the orders of the day.

Mr. Thornton, from the same committee, to which was referred a bill to authorize the surviving executors of Raymond Burroughs, deceased, late of the county of Tuscaloosa, to sell two acres of land, reported the same back to the Senate, with the opinion that it is not constitutionally competent to the Legislature, in the case recited, to pass such an act.

On motion of Mr. Dent, the report and bill were ordered to lie on the table.

Mr. Thornton from the same committee to which was referred a bill to make the service of process on one executor or administrator, ser-

vice on all, reported the bill back to the Senate, with the following amendments, viz: add at the end of the last section this proviso: "*Provided*, this act shall not be so construed as to make any personal representative liable to an action of *devastabit*, upon an action of *nulla bona*, in any suit where he or she was not served with process, or did not appear in proper person or by attorney;" with which amendment they recommend its passage.

The amendment was adopted, and the bill ordered to be engrossed.

Mr. Thornton from the same committee, to which was referred a resolution of inquiry, as to the expediency of affording some relief to those who hold the paper of the State Bank or either of the Branches thereof, and whose property has been levied on by execution, and the specie demanded thereon, reported that the only kind of relief in the case, supposed by the resolution, are first to compel said Banks to pay specie to the bill-holders, or to enact stay laws to prevent the collection of specie; upon both of these kinds of relief, there are propositions now pending before the Senate, which makes it unnecessary to report further on the subject

On motion of Mr. Creagh, the report and resolution were ordered to lie on the table.

Mr. Thornton from the same committee to which was referred a resolution of inquiry into the expediency of repealing all laws now in force on the subject of duelling, compelling persons to take the duelling oath in any case whatever, reported that it is inexpedient to repeal the existing laws on the subject.

Mr. Hudson moved to recommit the report and resolution, that they report a bill embracing the provisions of the resolution; which motion was lost.

The Senate then concurred in the report.

Mr. Thornton from the same committee to which was referred a bill to regulate judicial proceedings, reported the bill back to the Senate with their opinion, that it is inexpedient to pass the same.

On motion of Mr. Hudson, the bill and report was laid on the table.

Mr. Phillips from the same committee to which was referred a bill concerning breaches of warranty and frauds in certain cases, reported that it is inexpedient to pass the same.

The Senate concurred in the report.

Mr. Phillips from the same committee to which was referred a bill concerning promissory notes and other securities for the payment of money, reported the bill back with the following amendment: "Strike out all the second and third sections;" and thus amended, recommended its passage.

The Senate adopted the amendment, and the bill was read and ordered to be engrossed.

Mr. Phillips from the same committee to which was referred a resolution of inquiry into the expediency of amending the law in relation trustees, so as to authorize the register chancery to give the notice by publication, &c., reported a bill and recommended its passage.

A bill entitled an act concerning trustees, was then read the first time and ordered to a second reading.

Mr. Walker, from the same committee, to which was referred a bill to regulate the admission of attorneys at law to practice in this State, reported a substitute and recommended its adoption.

The Senate concurred in the report—the bill was read and ordered to be engrossed.

Mr. Walker, from the same committee, to which was referred a resolution of inquiry into the expediency of defining more specifically by law, the fees of the several Judges and clerks of the Orphans' court of this State, reported that there is a bill now in progress before the Senate embracing the subject matter contained in the resolution, and ask to be discharged from the further consideration of the subject.

On motion of Mr. Hudson, the report was laid on the table.

Mr. Walker, from the same committee, to which was referred a resolution of inquiry into the expediency of reducing the rate of damages on writs of error from ten to five per cent., reported that it is inexpedient to legislate on the subject, believing that any alteration of the law on the subject would multiply cases in the Supreme Court and extend litigation.

On motion of Mr. Hudson, the report was laid on the table.

Mr. Foster, from the same committee, to which was referred a bill to appoint Benjamin D. Cook, of Cherokee county, guardian of certain free persons of color therein named, reported the same back to the Senate, with a proviso at the end of the bill, and recommended its passage.

The Senate adopted the proviso—the bill was read and ordered to be engrossed.

Mr. Walthall, from the committee on inland navigation and internal improvement, to which was referred a petition of a portion of the citizens of Shelby county, asking the Legislature to authorize by law, Charles W. Carden and others to build a fish-trap and erect works on the Widusky Shoals on Coosa river, reported that it is inexpedient to grant the prayer of the petitioners.

On motion of Mr. Walthall, the report was laid on the table.

Mr. Hudson introduced a bill to be entitled an act making it the duty of the Governor to appoint a suitable person to take care of the State Capitol; which was read the first time and ordered to a second reading.

Mr. Walthall offered the following resolution:

Resolved, That the House of Representatives be requested to return to the Senate a bill to be entitled an act to attach a part of Greene county to the county of Perry, if no action has been had thereon.

Which was adopted.

Ordered, that the Secretary forthwith acquaint the House of Representatives thereof.

Mr. Moores offered the following resolution:

Resolved, That the Cashier of the Bank of the State of Alabama be requested to furnish to the Senate a statement of the condition and amount of the three per cent. fund; what amount has been appropriated to works of internal improvement; whether there are any law now

in force making further appropriations from that fund; and whether all the appropriations required by law, have been paid, if not, how much is yet due to works of internal improvement; whether the interest on that fund has all been appropriated, or whether there be yet any interest unappropriated.

Which was adopted.

Mr. Watkins introduced a bill to be entitled an act to regulate the mode of taking bonds by the Judges of the county courts in certain counties; which was read the first time and ordered to a second reading.

Mr. Dent introduced a bill to be entitled an act to amend the charter of the city of Tuscaloosa; which was read the first time and ordered to a second reading.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill of the following title:

A bill to be entitled an act to amend the charter of the city of Montgomery, in which the concurrence of the Senate is asked.

The bill was read the first time, and on motion of Mr. Hudson, the constitutional rule was suspended, and the bill read the second time. On motion of Mr. Hudson, the rule was further suspended, the bill read the third time and passed.

Ordered, that the title remain unchanged, and that the Secretary immediately report the same to the House of Representatives.

Mr. Walker from the judiciary committee to which was referred a resolution of inquiry instructing them to inquire into the expediency of enacting a law authorizing administrators with the will annexed as well as executors, to convey titles to real estate, reported a bill and recommended its passage.

A bill to be entitled an act to authorize administrators with the will annexed, to sell and convey real estate in the same manner as executors are authorized to sell and convey, was read the first time; on motion, the constitutional rule was suspended, the bill was read the second time and ordered to be engrossed.

The Senate then proceeded to the consideration of the orders of the day.

An act to reduce the width of lanes on roads of the second and third grades, in this State, was read the second time.

Mr. Creagh, moved to strike out so much of the bill as relates to roads of the third grade.

Mr. King moved to recommit the bill to the committee on roads, bridges and ferries, with instructions to so amend the bill as to leave it discretionary with the commissioners of roads and revenue to determine when roads shall be less than thirty feet—which motion prevailed.

An act to rescind a contract therein named, was read the second time.

Mr. Creagh moved to strike out the words "a majority," in the fifth line from the bottom and insert in lieu thereof the word "all," which was carried—the bill was then ordered to be engrossed.

An act more fully to carry into effect joint resolutions, passed at the present session of the Legislature, upon the subject of the alteration of the Constitution of the State of Alabama, was read the second time—and on motion of Mr. King, referred to a select committee—Messrs. King, Foster and Hudson composed said committee.

An act authorizing proceedings at the instance of the State of Alabama against the owners of turpentine roads in certain cases, was read the third time and passed.

Ordered, that the title remain unchanged.

An act authorizing Thomas M. Cowles to take out letters of administration, in the county of Montgomery; was read the second time—and on motion of Mr. Moores, referred to the judiciary committee.

An act to amend an act, entitled an act, to incorporate the Cahawba Academy, in the county of Dallas—approved, January tenth, eighteen hundred and thirty one; was read the second time, and ordered to be engrossed.

An act to amend the charter of the Montgomery Railroad Company, and for other purposes, was read the second time, and referred to the judiciary committee.

An act to alter the mode of electing the Directors of the Bank of the State of Alabama and the several Branches thereof, was read the third time and passed.

The yeas and nays were desired:

YEAS—Messrs. President, Baylor, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Phillips, Ross, Thornton, Toulmin, Walker and Watkins—16.

NAYS—Messrs. Arrington, Brindley, Dent, Fleming, King, Moores, Reese, and Rodgers—8.

An act for the relief of Hiram A. Dufrese, of Talladega county, was read the second time, and ordered to be engrossed.

An act for the relief of John Baird, was read the second time.

Mr. Hudson moved to amend the bill by adding a proviso, prohibiting the sale by him (under the privileges granted by this act) of spirituous liquors; which proviso was adopted.

Mr. McVay moved to amend the bill by exempting the county of Lauderdale from the provisions of this act; which was carried.

Mr. King moved to insert after the word Lauderdale, "and Pickens," and to change the word "county" to "counties."

Mr. Ross moved to add after the word "Pickens," "Wilcox."

Mr. Creagh, to add after "Wilcox," "Clarke, Baldwin, and Washington"—all of which were adopted; and the bill as amended, ordered to be engrossed.

An act to amend the law in relation to limitation of actions; was read the second time, and ordered to be engrossed.

And this completed the orders of the day.

Mr. Phillips moved to take from the table a bill entitled, an act to reduce the compensation of the officers and members of the General Assembly, and desired the yeas and nays on his motion.

YEAS—messrs. Baylor, Brindley, Creagh, Dent, Foster, King, McConnell, McVay, Oliver, Phillips, Reese, Walker, Walthall and Watkins—14.

NAYS—messrs. President, Arrington, Fleming, Hudson, Jones, McAllister, McClanahan, Moores, Rodgers, Ross, Thornton and Toulmin—12.

So the bill was taken from the table—and on motion, the further consideration thereof postponed till Thursday next.

Mr. Clitherall brought a message from the House of Representatives, inviting the Senate into the Hall of the House, for the purpose of electing three Judges for the Supreme Court of the State of Alabama.

Whereupon the Senate repaired to the Hall of the House. When seated, the President of the Senate announced the object for which the two Houses were assembled.

The two Houses first proceeded to the election of a Judge of the Supreme Court, to supply the vacancy occasioned by the expiration of the office of the Hon. Henry W. Collier.

Henry W. Collier, alone being in nomination, was voted for by messrs. President, Arrington, Baylor, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall and Watkins, of the Senate: and messrs. Speaker, Abnathy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Callun, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Buglass, Dubose, Dunklin, Dunn, Earle, English, Erwin Findley, Fletcher, Fowler, Gamble, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Hubbard, Jackson, Jones of Con., Jones of Cov. Kendrick, Kennedy of L. Kidd, Lankford, McClung, McCoy, McLemore, McMillion, Meriwether, Mitchell, Morris, Moore of M. Moore of P. Morgan of A. Morgan of C. Morrison, Morrison, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Pickens, Porter, Pynes, Rice, Roby, Richeson, Robinson, Scott, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Tate, Valiant, Walker, Ware, Watts, Whorton, Williams of P. Winston of DeK. Winston of Witherspoon and Woodward, of the House.

Mr. Collier having received all the votes given, was declared by Mr. Speaker duly and constitutionally elected Judge of the Supreme Court of the State of Alabama, for and during the term prescribed by the constitution.

The two Houses then proceeded to fill the vacancy occasioned by the expiration of the term of office, of the Hon. Henry Goldthwaite.

Henry Goldthwaite, alone being in nomination, was voted for by messrs. President, Arrington, Baylor, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Jones, King, McAllister, McClanahan, McVay, McConnell, Moores, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Walker, Walthall and Watkins, of the Senate; and messrs. Speaker, Abnathy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Callun, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Buglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley,

Fletcher, Fowler, Gamble, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Henley, Hill, Hodges, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Kendrick, Kennedy of L. Kidd, Lankford, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Mitchell, Moore of M., Moore of P., Morgan of A., Morgan of C., Morris, Morrisett, Morrison, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Pynes, Porter, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of P. Winston of S. Witherspoon and Woodward.

Mr. Goldthwaite, having received all the votes given, Mr. Speaker declared him duly and constitutionally elected a Judge of the Supreme Court of the State of Alabama, for and during the term prescribed by the constitution.

The two Houses next proceeded to the election of a Judge for the Supreme Court, to fill the vacancy which would occur on the expiration of the present term of office, of the Hon. John J. Ormond.

John J. Ormond, alone being in nomination, was voted for by messrs. President, Arrington, Baylor, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall and Watkins, of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Douglass, Dubose, Dunklin, Dann, English, Erwin, Fletcher, Findley, Fowler, Gamble, Garland, Gasque, Gresham, Griffin, Harris, Harrison, Henderson, Hendrix, Hodges, Henley, Hill, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Kendrick, Kennedy of L. Kidd, Lankford, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C, Morris, Morrisett, Morrison, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Porter, Pynes, Rice, Richeson, Robinson, Roby, Scott, Skipper, Storrs, Smith of L. Smith of P. Smith of T. Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of P. Winston of S. Witherspoon and Woodward.

John J. Ormond, having received all the votes given, Mr. Speaker declared him duly and constitutionally elected a Judge of the Supreme Court, of the State of Alabama, for and during the term prescribed by the constitution—commencing from the expiration of his present term of office.

The Senate then withdrew to its Chamber, Mr. President resumed the Chair, and on motion of Mr. Hudson, the Senate adjourned till ten o'clock on Monday.

MONDAY, January 2d, 1843.

The Senate met pursuant to adjournment.

The minutes of Saturday were read and approved.

Mr. Hudson presented the petition of sundry citizens of Franklin

ounty ; which was referred to the committee on roads, bridges and ferries.

Mr. McConnell presented the petition of William Cameron and John Martin, of Benton county, which was referred to the committee on county boundaries.

Mr. Hudson made the following report, which was ordered to be spread on the journal:

The joint examining committee, who were appointed to examine the Comptroller's and Treasurer's offices, have performed that duty, and beg leave respectfully to submit the following report:

The committee commenced the examination with the date, twenty-seventh November, eighteen hundred and forty-one, to which date the said offices had been examined, as will appear by reference to a report made by the committee appointed for that purpose, on the sixteenth day of December, eighteen hundred and forty-one. The committee having compared each and every voucher, with the entries on the Comptroller's and Treasurer's books, together with the various acts of appropriation from the above date, to the close of the fiscal year, eighteen hundred and forty-two, running through numerous entries—in all of which, not the slightest error or mistake has been detected by your committee.

Your committee has also examined the additions and extensions in the various books, and compared them with the reports made by the Comptroller and Treasurer, and find they correspond—and to those reports your committee would respectfully refer the Senate, for the condition of the Treasury.

Your committee, in conclusion, would add their testimony to the able and faithful manner, in which these officers have discharged their respective duties.

(Signed,)

B. W. HUDSON,

Chairman on the part of the Senate.

Mr. Ross made the following report:

The committee on enrolled bills, have examined and find correctly enrolled:

An act for the relief of James Pickens:

An act to change the name of the town of Irwinton, in Barbour county, in this State, to that of Eufaula:

Also, joint resolutions proposing amendments to the constitution of this State.

Mr. President laid before the Senate, a communication from the Commissioners of the Tennessee canal—which was, on motion, laid on the table.

The Senate then proceeded to the consideration of the orders of the day.

Bills of the following titles, were severally read the third time, and passed.

An act to make service on one executor or administrator, service on all.

An act concerning promissory notes and other securities, for the payment of money.

On the passage of which bill, Mr. Rodgers desired the yeas and nays:

YEAS—messrs. Arrington, Baylor, Brindley, Creagh, Dent, Fleming, King, McAllister, McConnell, Moores, Oliver, Reese, Ross, Thornton, Toulmin, Walker, Watkins, Watrous and Wilson of F.—19.

NAYS—messrs. President, Hudson, McClanahan, McVay, Rodgers and Wilson of J.—6.

An act to regulate the admission of attorneys at law, to practice in this State.

An act to appoint Benjamin D. Cook, of Cherokee county, guardian of certain free persons of color therein named.

On the passage of this bill, Mr. Hudson desired the yeas and nays:

YEAS—messrs. Baylor, Brindley, Creagh, Fleming, McConnell, Moores, Oliver, Reese, Ross, Thornton, Toulmin, Walker, Walthall, Watkins, Watrous and Wilson of J.—16.

NAYS—messrs. President, Dent, Hudson, King, McAllister, McClanahan, McVay, Rodgers and Wilson of F.—9.

An act to authorize administrators, with the will annexed, to sell and convey real estate, in the same manner as executors are authorized to sell and convey:

An act to rescind a contract therein mentioned:

An act to amend an act, entitled an act to incorporate the Cahawba Academy in the county of Dallas, passed January tenth, eighteen hundred and thirty-one:

An act for the relief of Hiram A. Defrease, of the county of Talladega.

An act for the relief of John Baird:

And an act to amend the laws in regard to limitations of actions:

Ordered, that the titles of the foregoing bills remain unchanged.

An act concerning trustees, &c., was read the second time, and on motion of Mr. Creagh, was referred to a select committee. Messrs. Creagh, McClanahan and Rodgers, composed said committee.

Bills of the following titles were severally read the second time, and ordered to be engrossed, viz:

An act making it the duty of the Governor to appoint a suitable person to take charge of the State Capitol:

An act to regulate the mode of taking bonds by the Judges of the County Courts, in certain counties:

And, an act to amend the charter of the city of Tuscaloosa.

This completed the orders of the day.

Mr. Walthall moved to lay upon the table, a bill entitled, an act to attach a portion of Greene to Perry county, which (by a resolution adopted by the Senate on Saturday) have returned from the House of Representatives: which motion was carried.

Mr. Walthall introduced a bill to be entitled, an act to add a certain township therein named, to the county of Perry; which was read the first time,—and on Mr. Walthall's motion, the constitutional rule was dispensed with and the bill forthwith read the second and third times, and passed.

Ordered, that the title remain unchanged.

A message from the House, by Mr. Clitherall:

Mr. President—The House of Representatives concur in the amendments made by the Senate, to the bill to alter the mode of assessing and collecting the taxes for the county of Sumter.

The Senate then took up Mr. Toulmin's motion to reconsider the vote on the passage of the homestead bill; which motion was carried.

The question recurring on the passage of the bill—

Mr. Rodgers called for the yeas and nays.

YEAS—messrs. President, Arrington, Baylor, Brindley, Fleming, Hudson, Jones, McAllister, McConnell, McVay, Rodgers, Reese, Walthall, Wilson of F. and Wilson of J.

NAYS—messrs. Creagh, Dent, King, McClanahan, Moores, Oliver, Reese, Thornton, Toulmin, Walker, and Watkins.

So the bill passed.

The Senate then proceeded to the consideration of Mr. Toulmin's motion, to reconsider the vote by which the additional section, (six,) recommended by the select committee to which was referred an act to reduce the salaries of certain officers therein named,—had been rejected.

The yeas and nays were called for:

YEAS—messrs. Baylor, Brindley, Creagh, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, Oliver, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watrous, Watkins, and Wilson of F.—19.

NAYS—messrs. President, Arrington, Buford, Dent, King, McClanahan, McVay, Moores, Phillips, Reese, and Wilson of J.—11.

So the vote was reconsidered,—and the question recurred on adopting the amendment proposed by the select committee, as an additional section.

Mr. Terry, (Mr. Hudson being in the chair,) offered the following amendment to the amendment:—“*Provided*, the Governor shall not leave home to remain longer than one day at any one time, unless when he visits the seat of Government.”

While this amendment was being discussed, the Chair announced that the hour set for the special orders had arrived.

On motion of Mr. King, the amendment proposed by Mr. Terry, and all the subject matter connected therewith, was postponed till Tuesday, and made the special order for twelve o'clock, M. of that day.

The Senate then took up Mr. Walthall's resolution to the basis on which this State should be districted, it being the special order for to-day.

Mr. Buford, who was discussing the resolution, yielded the floor to Mr. Wilson of J. for a motion of adjournment.

The Senate then adjourned till ten o'clock, to-morrow.

SENATE CHAMBER, Tuesday, January 3d, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Ross reported that the committee on enrolled bills, had examined and found correctly enrolled, bills of the following titles, to wit:

An act to amend an act to alter the mode of assessing and collecting the taxes in the county of Sumter:

An act to regulate the purchase of timber for the use of roads in the county of Dallas:

An act to amend the charter of the city of Montgomery:

An act relating to taxes and jury certificates in Covington county:

An act to abolish brigade encampment drills, and for other purposes:

An act to change the time of holding the County Court of the county of Jefferson:

An act to extend the provisions of an act therein named, to the counties of Coosa, Russell, and Henry:

An act to alter the winter term of the County Court of the county of Covington:

And an act to compensate certain persons therein named, and for other purposes.

Mr. Hudson from the committee on accounts and claims, to which was referred so much of the Governor's message as relates to the mode of supporting prisoners and paying therefor, and all the matters connected therewith, reported a bill to be entitled an act to change the mode of paying jailers for the support of insolvent prisoners in the several counties in this State, and for other purposes; which was read the first time and ordered to a second reading on to-morrow.

Mr. Toulmin, from the State Bank committee, to which was referred a resolution of inquiry into the expediency of reducing the number and abolishing the salary of the Directors in the State Bank and Branches, &c., reported a bill and recommended its passage—a bill to be entitled an act to regulate the number and fix the pay of the directors and other officers of the Bank of the State of Alabama, and its several Branches—which was read the first time and ordered to a second reading on to-morrow.

Mr. Toulmin, from the same committee, to which was referred an act for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile, reported the same back to the Senate without amendment. The bill was accordingly placed among the orders of the day.

Mr. Toulmin, from the same committee, to which was referred a preamble and resolution instructing said committee to inquire into the expediency of passing a law requiring all debtors to the State Bank and its Branches, to pay their debts in instalments of twenty per cent., reported a bill to be entitled an act the better to secure and extend the debts due the Bank of the State of Alabama and its several Branches; which was read the first time and ordered to a second reading on to-morrow.

Mr. Creagh, from the select committee, to which was referred a bill entitled an act concerning trustees, reported the same back to the Senate, amended by the addition of a section, and thus amended, recommended its passage. The amendment was adopted—the bill read, and ordered to be engrossed.

Mr. King, from the select committee, to which was referred an act more fully to carry into effect joint resolutions passed at the present session of the Legislature upon the subject of the alteration of the Constitution of the State of Alabama, reported the same back to the Sen-

be with the following amendments, and as amended, recommend its passage—to wit, strike out of the sixth line, the word “amendment,” twice repeated. The Senate concurred in the amendment—the bill was read and ordered to be engrossed.

(Mr. Hudson in the chair)—Mr. Terry introduced a preamble and joint resolutions in relation to a protective tariff by the Congress of the United States; which was read.

Mr. Walker offered a substitute on the same subject; both of which, on motion of Mr. Creagh, were referred to the committee on federal relations.

Mr. Wilson of F. offered the following resolution—which was adopted:

Whereas, it is believed by many that great injustice has been done by the directors or officers of the State Bank, in refusing to pay money appropriated to the valueless sixteenth sections, when the proper application has been made—

Be it therefore Resolved by the Senate, That the President of said bank be requested to inform the Senate, as soon as practicable, what the board of directors have adopted, (if any,) to pay said appropriations; and if they have adopted any resolution on the subject, state that that resolution is, and the names of the Directors that voted for and against it, and the time when it was adopted.

Resolved further, That the Secretary of the Senate transmit a copy of this resolution forthwith to the President of said Bank.

Mr. Dent introduced a bill to be entitled an act, to form an additional precinct in the county of Tuscaloosa; which was read the first time and ordered to a second reading.

Mr. Dent introduced a bill to be entitled an act, to attach a part of the county of Perry to the county of Tuscaloosa; which was read the first time and ordered to a second reading.

Mr. Toulmin introduced a bill to be entitled an act, to regulate the place of holding the special terms of the Circuit Court of Mobile county, and for other purposes.

Mr. Toulmin introduced a bill to be entitled an act to amend the twelfth section of the sixth chapter of the penal code.

The Senate then took up the orders of the day.

Bills of the following titles were then read the third time and passed:

A bill to be entitled an act, making it the duty of the Governor to appoint a suitable person to take care of the State Capitol:

A bill to be entitled an act to regulate the mode of taking bonds by the judges of the county courts:

And a bill to be entitled an act to amend the charter of the city of Tuscaloosa:

Ordered, that the titles remain unchanged.

On motion of Mr. King, the orders of the day were suspended.

The Senate then proceeded to the consideration of the bill to reduce the salaries of certain officers therein named.

The question being on the adoption of Mr. Terry's amendment, for which Mr. Baylor offered the following substitute: “*Provided*, the Go-

vernor shall, at least two weeks previous to his removal from the seat of government to his place of residence, or from his place of residence to the seat of government, give notice of his intention so to remove, and he shall not at any one time, absent himself from either place for more than — days at any one time, without giving like notice in three of the public newspapers, in such manner, as that the public may know where he is to be found."

After some discussion on the amendments, Mr. King moved to re-commit the whole matter to the select committee—(of messrs. Walker, Thornton, and Baylor) —which was carried.

A bill entitled an act for the final settlement of the affairs of the Planters' and Merchants' Bank in Mobile, was read.

Mr. McClanahan offered the following joint preamble and resolutions as a substitute for the bill, viz:

Whereas, The commissioners appointed to examine the Planters' and Merchants' Bank of Mobile have reported, that said Planters' and Merchants' Bank has violated its charter;

Therefore, be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor cause a writ of *quo warranto* to issue against said Planters' and Merchants' Bank, according to the nineteenth section of the act incorporating said Bank.

Mr. Baylor moved to refer the bill and substitute to the judiciary committee; which motion was lost.

The yeas and nays were desired on the adoption of the substitute:

YEAS—messrs. President, Arrington, Fleming, Hudson, McAllister, McClanahan, McVay, Rodgers, Walthall and Wilson of J.

NAYS—messrs. Baylor, Brindley, Buford, Creagh, Dent, Foster, Jones, King, McConnell, Moores, Oliver, Phillips, Ross, Thornton, Toulmin, Walker, Watkins, Watrous and Wilson of F.

So the substitute was rejected.

Mr. Baylor moved to postpone the bill till Friday next, and make it the special order for twelve o'clock of that day; which was lost.

Mr. Moores moved to strike out the word "four" after "forty," in the fourth line of the fourth section, with a view to extend the time:

The Senate refused to strike out.

Mr. Terry moved so to amend the fourth line of the fourth section, as to make it read "one two and three years;" which was carried.

Mr. Baylor moved so to amend the second line of the seventh section as to make it read, "and the corporate name of the Bank shall be continued, and may be employed, &c.;" which was carried.

Mr. Creagh moved to strike out all of the seventh section.

Mr. Jones offered the following amendment: *Provided however*, That the debtors to said Bank shall be entitled to the same privileges of extension and indulgence, and on the same conditions that may be prescribed for the debtors to any Bank in this State that may be put in state of liquidation.

The Chair announced that the hour set for the discussion of Mr. Walthall's resolution had arrived—and the bill under consideration, with

proposed amendments, were deferred until to-morrow, and made the special order for eleven o'clock.

After some discussion on Mr. Walthall's resolution, Mr. Buford yielded the floor to Mr. Moores, for a motion of adjournment:

And the Senate adjourned until ten o'clock, to-morrow morning.

WEDNESDAY, 4th January, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Toulmin, from the State Bank committee, reported to the Senate communications from the Cashiers of the State Bank and Branches in relation to the purchase of real estate by said Bank and Branches during the year eighteen hundred and forty-two, and asked to be discharged from the further consideration of this subject; which leave was granted.

Mr. Toulmin reported, also, that he had, as Chairman of said committee, performed the duty required of him by four several resolutions, adopted by the Senate, and has received from the Cashier of the State Bank, and others named in said resolutions, a reply to the inquiries made of each of them; presented the same to the Senate for its consideration.

On motion, these several documents were ordered to lie on the table.

Mr. Wilson of J. from the committee on roads, bridges and ferries, to which was referred a bill to reduce the width of lanes in certain roads, with instructions in reference thereto, reported a substitute bill and recommended its adoption.

The substitute bill was read and adopted.

Mr. Creagh moved to strike out from the bill so much as has regard to roads of the third grade. Lost.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Fleming, from the committee on county boundaries, to which was referred the petition of William Cameron and John Martin, of Benton county, reported a bill to be entitled an act to attach section thirty-four, township sixteen, range seven, east, in the Coosa land district to the county of Talladega; which was read the first time and ordered to a second reading.

Mr. Jones introduced a bill entitled an act to require an extra term of the Chancery court to be held for Sumter county; which was read the first time and ordered to a second reading.

Mr. Jones asked for the suspension of the constitutional rule, in order to give this bill a second reading forthwith; which the Senate refused.

Mr. Jones also introduced a bill to authorize an extra term of the Commissioners court in Sumter county; which was read the first time, and, on motion of Mr. Jones, the constitutional rule dispensed with and the bill was read the second and third time and passed.

Ordered, that the caption remain as aforesaid, and that the Secretary forthwith report the same to the House of Representatives.

Mr. President laid before the Senate a communication from the Pre-

sident of the State Bank, in reply to a resolution of inquiry adopted by the Senate on yesterday; which communication was referred to the committee on education.

Mr. President also presented a communication from the Cashier of the State Bank, responsive to resolutions adopted on Monday, by the Senate, in relation to the three per cent. funds; which was laid on the table—and, afterwards, on motion of Mr. Jones, taken from the table and referred to the committee on internal improvement and inland navigation.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has adopted the following resolution.

Resolved, That, with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives at the hour of twelve, m. on Wednesday, for the purpose of electing a Judge of the county court of Blount county.

In which the concurrence of the Senate is requested.

Mr. Hudson moved to amend, by adding, “also, a State Treasurer and Comptroller of Public Accounts;” which was lost.

The Senate amended the resolution, by striking out “Wednesday” and inserting “Saturday;” and thus amended, it was adopted by the Senate.

Another message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives disagrees to the amendments made by the Senate to the bill from the House, for the relief of Anne T. R. Wyatt.

On motion of Mr. Toulmin, the Senate receded from its amendments.

And yet another message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has originated and passed the following bills, to wit:

A bill to authorize the amendment of writs of error:

A bill to incorporate the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama:

A bill to change the name of a certain person therein named:

A bill for the relief of Peter Eldrige, Isham C. Browder, and others:

A bill to incorporate the Huntsville Mechanics' Benevolent Association:

A bill for the relief of Jedediah Spencer, administrator of William Spencer, deceased:

A bill to extend the provisions of the third section of an act to incorporate the town of Camden, in the county of Wilcox:

A bill for the relief of Joseph Lowry, and others:

A bill to change the name of Crockettville, in Russell county, to that of Crawford:

A bill for the relief of Cynthia R. Merritt:

A bill to compensate A. Crozier and Son, for the purchasing weights and measures for the State, under a contract with the Secretary of State:

A bill to authorize Patrick May and John A. Fortune, to erect gates on a certain public road therein named:

A bill to alter and define the southern boundary line of East Wetumpka:

A bill to change the time of holding the County Court of Walker county:

A bill to prohibit the raising of money by lottery:

Also, joint resolutions concerning the sixteenth section of township seventeen, range six, east:

In all of which the concurrence of the Senate is requested.

The foregoing bills and joint resolutions were severally read the first time in the Senate, and ordered to a second reading on to-morrow.

A message from His Excellency the Governor, by Mr. Garrett, Secretary of State—

Mr. President—His Excellency the Governor, did, on the thirty-first ultimo, approve and sign—

An act to amend an act entitled, an act to establish a road court in Mobile county, approved twenty-seventh December, one thousand eight hundred and forty-one:

Preamble and joint resolutions, relative to the Branches of the Bank of the State of Alabama at Mobile and Decatur.

On motion of Mr. Dent, a bill to authorize the surviving executor of the last will and testament of Raymond Burroughs, to sell certain land—was taken from the orders.

Mr. Baylor presented communications from the commissioners of the sixteenth section, township sixteen, range four, east, in the Tuscaloosa land district. Also, from the commissioners of section sixteen, township sixteen, range three, in St. Clair county; which were referred to the committee on education.

Mr. King offered the following resolution:

Resolved, That the committee on state printing, be instructed to have one hundred and thirty-three copies of the indebtedness of the members of the Legislature printed; and that leave be granted them to append to the report any statement or voucher that any member may choose to make,—or upon satisfactory evidence, alter or amend the report, so as to present the true amount of indebtedness of each member.

Mr. Moores offered the following instructions to accompany the resolution:—"The committee in publishing, shall make out a tabular statement, stating how much each member is due as principal—how much as security—when the amount or amounts are due, and how said debts were contracted; whether the debts have been created by bank discounts or by other means,—and also, whether the debts due by members are good, bad or doubtful in their character, as reported in bank."

Mr. Creagh moved to strike out all after the words "other means," in the third line from the bottom; which was lost.

Mr. Rodgers moved to make the resolution apply only to members of the Senate; lost.

A division of the question was called for, and the yeas and nays desired—first on the adoption of the resolution.

YEAS—messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Ross, Toulmin, Walker, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Dent, and Rodgers.

So the resolution was adopted.

And the question was next put on the adoption of the instructions.

The yeas and nays were desired:

YEAS—messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Fleming, Hudson, King, McAllister, Moores, Oliver, Phillips, Reese, Ross, Walker, Walthall, Watkins, Watrous, and Wilson of F.

NAYS—Messrs. Dent, Jones, McClanahan, McVay, Rodgers, Toulmin, and Wilson of J.

So the instructions were adopted.

The Chair then announced the hour for taking up the special order, (Mr. Walthall's resolution.)

Mr. Buford resumed his argument, which he had not completed when the Senate, on motion of Mr. Dent, adjourned till ten o'clock, to-morrow.

SENATE CHAMBER, Thursday, January 5th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Moores introduced a bill to repeal all laws making appropriations to objects of internal improvement; which was read the first time, and ordered to a second reading.

Mr. McConnell introduced a bill to establish a Board of Physicians in Talladega county; which was read the first time, and ordered to a second reading.

The Senate then took up the orders of the day.

An act to change the mode of paying jailers for the support of insolvent prisoners in the several counties in this State, and for other purposes, was read the second time and ordered to be engrossed.

An act to regulate the number and fix the pay of the directors and other officers of the Bank of the State of Alabama, and its several Branches—

Mr. Rodgers moved to strike out "four" from the seventh line of the first section; lost.

The bill was then ordered to be engrossed.

An act the better to secure and extend the debts due the Bank of the State of Alabama, and its several Branches: was read the second time.

Mr. Walthall moved its indefinite postponement.

The yeas and nays were desired.

YEAS—Messrs. President, Creagh, King, McAllister, McClanahan, McVay, Reese, Rodgers, Ross, Walker, and Walthall.

NAYS—Messrs. Arrington, Baylor, Brindley, Dent, Fleming, Foster, Hudson, Jones, McConnell, Moores, Oliver, Phillips, Thornton, Toulmin, Watkins, Watrous, Wilson of F. and Wilson of J.

So the Senate refused to indefinitely postpone.

Mr. Creagh, moved to strike out the word "five" from the eighth line of the first section, and desired the yeas and nays:

YEAS—Messrs. President, Baylor, Creagh, Foster, King, McClanahan, McConnell, McVay, Moores, Phillips, Reese, Rodgers, Ross, Toulmin, Walker, Walthall and Watkins.

NAYS—Messrs. Arrington, Brindley, Dent, Fleming, Hudson, Jones, McAllister, Oliver, Thornton, Watrous, Wilson of F. and Wilson of J.

So "five" was stricken out.

Mr. Phillips moved to fill the blank with "four," and desired the yeas and nays.

YEAS—messrs. Arrington, Baylor, Brindley, Dent, Fleming, Foster, Hudson, Jones, McConnell, McVay, Moores, Oliver, Rodgers, Thornton, Toulmin, Watrous and Wilson of F.

NAYS—messrs. President, Creagh, King, McAllister, McClanahan, Phillips, Reese, Ross, Walker, Walthall, Watkins and Wilson of J.

So the blank was filled with "four."

Mr. Creagh offered an additional section, as follows:

"Sec. —, The State Bank of Tuscaloosa, the Branches at Montgomery and Huntsville, after the passage of this act, shall not discount any note or bill of exchange; nor shall they increase their circulation."

On motion of Mr. Hudson, the section was amended by the addition of the following proviso:—"Provided, nothing in this act shall be so construed as to prevent said Banks from taking any good bill of exchange in payment of any debt that may be due them.

Mr. Creagh desired the yeas and nays on the adoption of the amended section.

YEAS—messrs. President, Brindley, Buford, Creagh, Hudson, King, McAllister, McClanahan, McVay, Moores, Phillips, Reese, Rodgers, Toulmin, Walker, Walthall, Watkins and Watrous.

NAYS—Arrington, Baylor, Dent, Fleming, Foster, Jones, McConnell, Oliver, Ross, Thornton, Wilson of F. and Wilson of J.

So the Senate adopted the amendment.

Mr. Walthall offered the following amendment:

"Sec. —, *Provided*, no Bank debtor shall avail himself of the provisions of this bill, until he shall have paid the twenty per cent. per annum heretofore required by the last extension laws.

On motion of Mr. Baylor, the whole matter was postponed till Monday next, twelve o'clock, and made the special order for that hour.

The yeas and nays being desired on the adoption of the motion to postpone:

YEAS—messrs. President, Arrington, Baylor, Brindley, Buford, Dent, Fleming, Foster, Hudson, Jones, McAllister, McConnell, McVay, Rodgers, Thornton, Toulmin, Walthall, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Creagh, King, Moores, McClanahan, Oliver, Phillips, Reese, Ross, Walker, and Watkins.

So Mr. Baylor's motion to postpone, prevailed.

Mr. McConnell moved to reconsider the vote on striking out "five" from the first section of the bill.

Mr. Dent, moved to defer the vote on reconsideration till Monday next—carried.

Mr. Jones presented the petition of sundry citizens of Sumter county; which was referred to the judiciary committee.

A communication from the Governor, by Mr. Garrett, Secretary of State.

EXECUTIVE DEPARTMENT,}

TUSCALOOSA, January 5, 1843. }

To Hon. Nathaniel Terry, President of the Senate—Sir: I have the honor to inform the Senate that I have received the resignation of the Judge of the County Court of the county of Coffee.

(Signed,)

BEN. FITZPATRICK.

Mr. Ross reported, that the committee on enrolled bills, had examined and found correctly enrolled, an act to authorize an extra term of the commissioners' court, from Sumter county.

And an act for the relief of Anne T. R. Wyatt.

Mr. Jones, from the select committee, to which was referred an act for the stay of executions in certain cases, and for other purposes, reported a substitute bill, and recommended its passage.

On motion of Mr. Buford, the report and bill were postponed till Monday next, and made the special order for twelve o'clock, on that day.

The Senate then took up the special orders.

1st. Mr. Walthall's resolution being first in order, Mr. Buford concluded his remarks, and on motion, the further consideration thereof was postponed till twelve o'clock, to-morrow.

2d. An act for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile, was then taken up—the question being on the adoption of the amendment offered by Mr. Jones, on Tuesday; which was lost.

Mr. Creagh moved to strike out the seventh section, and insert in lieu thereof, the following:

"Sec. 7th. That in all cases where it may be necessary to sue the debtors of the said Bank, the summary process heretofore given for the collection of its debts, shall not be pursued, but the common law mode by writ, as allowed to other suitors shall alone be adopted, or by bill in chancery, when the demand is of an equitable nature.

The yeas and nays were desired on this motion:

YEAS—messrs. Buford, Creagh, Moores, Oliver and Walthall.

NAYS—messrs. President, Baylor, Brindley, Dent, Fleming, Foster, Hudson, Jones, King, McAllister, McClanahan, McVay, Phillips, Rodgers, Ross, Toulmin, Walker and Watrous.

The bill was then ordered to be engrossed.

The Senate then took under consideration Mr. Rodgers' motion to reconsider the vote taken on the twenty-eighth ultimo, on ordering to be engrossed an act to enable the State Bank and its Branches to pay witnesses in State prosecutions commenced at their instance.

The Senate refused to reconsider the vote.

An act to repeal the several acts making appropriations in aid of valueless sixteenth sections was next taken under consideration.

Mr. Hudson offered the following amendment: "*Provided*, nothing in this act shall be so construed as to prohibit the Banks from paying all sums that may be now due said sixteenth sections."

On the adoption of which, the yeas and nays were demanded:

YEAS—messrs. President, Baylor, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Reese, Rodgers, Toulmin, Walker, Walthall, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Buford, Moores, Oliver, Phillips, Ross and Watkins. So the amendment was adopted,

Mr. McConnell moved further to amend by the following proviso: "*Provided*, that the Banks shall pay for all schools which have been kept pursuant to said law, upon the production of the evidence required by said law."

The yeas and nays being desired,

Messrs. President, Brindley, Fleming, Foster, McAllister, McConnell, McVay, Reese, Rodgers, Walker, Watrous and Wilson of J. voted in the affirmative.

And messrs. Baylor, Buford, Creagh, Dent, Hudson, Jones, King, McClanahan, Moores, Oliver, Phillips, Ross, Toulmin, Walthall and Watkins in the negative.

So the amendment was lost.

Mr. Moores then moved to adjourn till ten o'clock, to-morrow; and the yeas and nays were desired:

YEAS—messrs. Baylor, Brindley, Buford, Dent, Fleming, Foster, Jones, King, McConnell, Moores, Phillips, Watkins and Watrous.

NAYS—messrs. President, Creagh, Hudson, McAllister, McClanahan, McVay, Oliver, Reese, Rodgers, Ross, Toulmin, Walker, Walthall and Wilson of J.

So the Senate refused to adjourn to ten o'clock, to-morrow.

Mr. Hudson then moved to adjourn to half past three o'clock, this afternoon.

Mr. McConnell called for the yeas and nays:

YEAS—messrs. President, Buford, Jones, McAllister, McClanahan, Oliver, Ross, Rodgers, Toulmin, Walker, Walthall and Wilson of J.

NAYS—messrs. Baylor, Brindley, Creagh, Dent, Fleming, Foster, King, McConnell, McVay, Moores, Phillips, Reese, Watkins and Watrous.

So the Senate refused to adjourn to half past three o'clock.

Mr. Rodgers offered the following amendment to the bill under discussion: "*And be it further enacted*, That there shall be a tax of fifty cents levied upon all slaves in this State, who are exempt from road duty, for the purpose of raising a school fund, in lieu of the present appropriation;" which amendment Mr. President declared to be out of order.

The question was then put, Shall the bill be engrossed for a third reading on to-morrow?

Mr. Wilson of J. asked for the yeas and nays:

YEAS—messrs. President, Baylor, Buford, Creagh, Dent, Fleming,

Hudson, Jones, King, McAllister, McVay, Moores, Oliver, Phillips, Ross, Toulmin, Walthall and Watkins.

NAYS—messrs. Brindley, Foster, McClanahan, McConnell, Reese, Rodgers, Walker, Watrous and Wilson of J.

So the bill was ordered to be engrossed.

An act to abolish the common law jurisdiction of the county courts was then taken up, and on motion of Mr. Hudson, indefinitely postponed.

YEAS—messrs. President, Brindley, Fleming, Hudson, Jones, King, McAllister, McClanahan, McVay, Oliver, Rodgers, Toulmin, Walker, Walthall, Watkins, Watrous and Wilson of J.

NAYS—messrs. Baylor, Buford, Creagh, Dent, Foster, McConnell, Moores, Phillips, Reese and Ross.

A bill to be entitled an act subjecting the several Branches of the Bank of the State of Alabama to the control of the mother Bank of said State, at Tuscaloosa, was then taken up and read the third time.

The yeas and nays were desired on its passage :

YEAS—messrs. Baylor, Brindley, Creagh, Foster, Hudson, King, McConnell, Moores, Phillips, Ross, Toulmin, Walker, Walthall and Watkins

NAYS—messrs. President, Buford, Dent, Fleming, Jones, McAllister, McClanahan, McVay, Oliver, Rodgers, Watrous and Wilson of J.

So the bill passed.

Ordered, that the title remain unchanged.

A message by Mr. Garrett :

Mr. President—His Excellency the Governor did on this day approve an act to authorize an extra term of the commissioners' court in Sumter county ; which originated in the Senate.

A message by Mr. Clitherall :

Mr. President—The House of Representatives has passed bills from the Senate to authorize an extra term of the commissioners' court in Sumter county :

And an act to attach a part of Fayette to Walker county.

The House of Representatives has also adopted the following :

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives, on Saturday, the seventh instant, at the hour of eleven, A. M., for the purpose of electing a judge for the county court of Tuscaloosa county ; a judge for the county court of Coffee county ; and a member of the medical board of Florence : in which the concurrence of the Senate is respectfully asked.

The House concurs in the amendment made by the Senate to the resolution proposing to elect a judge for the county court of Blount county.

The Senate then concurred in the resolution of the House of Representatives ;

And on motion of Mr. King, adjourned till ten o'clock, to-morrow.

FRIDAY, January 6, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday being read and approved—Mr. Ross reported that the committee on enrolled bills had examined and found correctly enrolled an act to attach a part of Fayette to Walker county.

Mr. Walthall, from the committee on internal improvement and inland navigation, to which was referred a bill to incorporate the Warrior Manufacturing Company, reported the bill back to the Senate, and recommended its passage, with the following amendments: add to the end of the fifth section, "*Provided*, they do not obstruct the navigation of said stream." Insert after the word "corporation," in the third line of the eleventh section, "in proportion." Strike out of said section all after the word "respectively," in the fourth line.

On motion of Mr. Dent, the sense of the Senate was taken on each amendment separately: in all of which the Senate concurred.

On motion of Mr. Dent, the report and bill were ordered to lie on the table.

Mr. Oliver presented the memorial of the Montgomery rail road company, on whose motion it was referred to the committee on internal improvement and inland navigation.

Mr. Baylor, from the committee on education, to which was referred a bill for the relief of purchasers of section sixteen, and of township eighteen, range five, east, in the Coosa land district, reported the same back to the Senate, with the following amendment: insert in the sixth line from the bottom, after the word "township," "being qualified voters;" which amendment the Senate concurred in, and the bill was ordered to be engrossed.

Mr. Fleming presented to the Senate, the report of the Mayor and Aldermen of the city of Memphis, Tennessee, on the subject of the establishment of a Western Armory and Naval Depot and Dockyard, and requested that it might be taken under consideration by the committee on federal relations; it was accordingly so referred.

Mr. King, from the committee on internal improvement and inland navigation, to which was referred a resolution of inquiry into the expediency of enacting a law, giving encouragement to the manufacturers of bagging and rope from cotton by bounty, &c. reported—The average crop of cotton of this State may be stated for some years to come, at least as high as four hundred thousand bales—the crop this year will no doubt exceed that amount. To envelop this amount of cotton in bagging and rope made of hemp, averaging five yards of bagging and six pounds of rope to the bale, will require two millions of yards of bagging, and two million four hundred thousand pounds of rope. Rating the bagging at twenty-five cents per yard and the rope at twelve and a half cents per pound, which is about the average price of those articles, for some years back, it will appear that the citizens of this State have been, and will continue for the future, unless wisely prevented, be subject to a drain in the sum of eight hundred thousand dollars annually.

The committee deem it unnecessary to pursue a train of argument,

calculated to exhibit the injurious and baneful effect of this heavy drain upon our prosperity, or its deleterious influence upon our exchange and banking institutions, as it must be apparent to every one who will examine the subject. But will present some calculations and views of another character.

The above amount of bagging and rope, if made of cotton, would consume five millions four hundred thousand pounds of cotton, or about eleven thousand bags. The capital and labor necessary to the manufacture which being withdrawn from the cultivation of cotton, and the diversion of labor in the neighborhood of manufactories from cotton to the production of bread stuffs necessary to their support, would, it is believed, diminish the crop in a similar amount. The effect then would be equal to twenty thousand bags or more withdrawn from market.

But this estimate is greatly enlarged and its importance largely augmented, when brought to bear upon the entire crop of cotton of the South. The crop this year may be safely calculated at two millions of bags. To prepare it for market will require ten millions of yards of bagging, and twelve millions of pounds of rope, an expenditure of about four millions of dollars in their purchase.

If cotton was used to make the bagging and rope, estimating every yard of bagging to consume one and a half pounds of cotton, (about the proper quantity,) it would require twenty-seven millions of pounds of cotton or about fifty-four thousand bales, to make them. This, with the diversion of labor, capital, &c., indispensable to its manufacture, lessening the crop in nearly a similar amount, would in effect, be equivalent to the withdrawal of one hundred thousand bales from market, or the consumption to which it is now devoted. This evidently would have the same effect upon the price of the remainder. But to what extent, it is difficult to foretell. On mature reflection, we think it not unreasonable to suppose, that it would increase the worth of the article from one-fourth to one-half of one per cent; or on the whole, in a sum from two and a half to five millions of dollars. This, added to the sum of four millions of dollars, saved by manufacturing the bagging and rope, within the limits of the cotton growing States, would add to the internal wealth of those States, in a sum between six and a half and nine millions of dollars. In this aspect, if these calculations approximate near the truth, this subject ceases to be a matter of minor importance, but enlarges the more we look at it, until it becomes one of great magnitude, and well worth the attention of the Statesman and patriot.

The committee having, as they conceive, established the importance of this manufacture, will now proceed to investigate its practicability. Will it be profitable to those who may engage in it? We believe that it will, and that the only reason why capital has not been successfully so employed heretofore, is mainly to be found in the fondness with which we pursue an old and accustomed channel of business with which we are well acquainted, in preference to embarking into a new and untried business of which we comparatively know but little, and which we suppose to be hazardous and uncertain.

The trial has been made in South Carolina, and spoken of in the pub-

c prints of that State as profitable. A degree of public spirit has been enlisted there in its favor, and the fine appearance and strength of the material, are much applauded.

Bagging and rope can be made of the lowest priced cotton, such as has been stained or otherwise damaged, worth at this time five cents per pound and at no time, probably for years to come, will be worth more than eight cents. We will suppose it to average something like six cents. We have assumed, that it ought to weigh one pound and a half to the yard. The cost of the cotton then, would be nine cents to make one yard.

For many years back, the average price of hemp bagging has been above twenty-five cents; it is now selling as low as eighteen cents per yard. But rating it at twenty-one and a half cents, the average, which is probably a fair estimate, would allow twelve and a half cents to the manufacturer for spinning and weaving one yard of cotton bagging. This is sufficient to afford a good profit. This result could not be materially varied, by an advance in the price of low quality cotton above our estimate, for with such advance, the price of bagging with everything else, would be equal.

The committee are not apprised of any difficulty in the making of rope out of cotton, that would present an obstacle to its success, that may not be overcome. But some doubt may be felt of the success of this branch of the subject, unless sustained by the public spirit of our countrymen or by a bounty. The increase in the price, if it cannot be afforded as low as hemp rope, would be saved in the increased consumption of cotton. This supposition is strengthened, when viewed in connection with the abstraction of the labor and capital necessary in its manufacture from the growth of cotton. It may be said, that bagging made of cotton, will be more easily torn, than that made of hemp, and therefore, objectionable to this extent. It is yet to be ascertained, that a fabric well made of cotton, weighing a pound and a half to the yard, will be more easily torn, than ordinary hemp bagging, particularly the Dundee and India Grass, both of which are extensively used. But this objection, if true, could be remedied by the use of a hook with two prongs in the handling of cotton bags, instead of the one pronged hook now used. Admitting, however, the objection to be a valid one, it is more than counterbalanced by the well known fact, that cotton or any material made of it, is less liable to rot than hemp. If two lots of cotton, each of one hundred bales, were put up in the up country, and both subjected to the same and the ordinary exposure, one covered with a fabric made of hemp and the other of cotton, it is confidently believed, that the latter would prove to be in the best condition for market by the time they arrived at the sea board.

On the first introduction in market of cotton clothed in bagging and rope made of cotton, some objection may be anticipated on the part of the purchaser; but it would readily give way as soon as it became common, and when backed and sustained by public opinion.

In every way in which the committee have been enabled to view this matter, they are deeply impressed with its utility and vast importance

to the Southern States, and particularly to the people of Alabama, at this time, when any thing and every thing calculated to better their embarrassed condition, is a positive public good. A bounty of one or two cents on every yard of bagging and pound of rope made of cotton, is not as they conceive, indispensable to its success. But would add greatly to the inducement for capitalists to engage in it, and give character and sanction to the enterprize.

Under these impressions, the committee would galdly seize the opportunity of presenting a bill in conformity with the views of the mover of the resolution, accompanied with a joint resolution, requesting the co-operation of all the cotton growing States. But the embarrassed condition of the finances of this State, seem to forbid the enactment of any measure, that may incur an expenditure of public money. They, therefore, believe it inexpedient at this time, to legislate upon the subject.

The committee in conclusion, will respectfully take this occasion to suggest to their fellow-citizens of the several counties, the propriety of holding public meetings, with the view of concentrating and directing public opinion to this subject; and also to the propriety of raising within the State, all the supplies of live stock they need, as intimately connected with the object of this report.

All of which is respectfully submitted.

Which was read, and one hundred and thirty-three copies ordered to be printed.

Mr. Reese presented the account of Goodridge Driver; which was referred to the committee on Indian affairs.

Mr. Hudson offered the following resolution:

Resolved, That the committee on propositions and grievances be instructed to inquire into the expediency of altering and amending the law so as to prohibit members of the General Assembly from receiving a *per diem* pay, during the time they are absent from the seat of government, upon their own business, while the Legislature is in session--and that the committee report by bill or otherwise.

Which resolution was adopted.

Mr. Buford presented the account of Daniel B. Rider; which was referred to the committee on accounts and claims.

Mr. McConnell moved a reconsideration of the vote taken yesterday on the passage of a bill to be entitled, an act subjecting the several Branches of the Bank of the State of Alabama, to the control of the mother Bank of said State, a Tuscaloosa, which was carried; and the bill, on motion, was ordered to be placed among the orders of the day, and in that order was taken up; and, on motion of Mr. Rodgers, referred to a select committee, consisting of messrs. Rodgers, Hudson and Fleming, with instructions to amend the bill, by striking out all in relation to the appointment of President and Directors of the Branch Banks, by the President and Directors of the mother Bank, at Tuscaloosa.

The Senate then proceeded to the consideration of the orders of day.

An act to establish a Board of Physicians in Talladega county, read the second time.

Mr. Reese offered an amendment as an additional section, making provision for the establishment of a medical board in the town of Lafayette, Chambers county, which was adopted, and the bill, as amended, ordered to be engrossed.

An act to repeal all laws making appropriations to objects of internal improvement, was read the second time, and referred to the committee on internal improvement and inland navigation.

Bills of the following titles, were then severally read the third time, and passed:

An act to change the mode of paying jailers for the support of insolvent prisoners, in the several counties in this State, and for other purposes:

On the passage of this bill, Mr. Creagh desired the yeas and nays:

YEAS—messrs. President, Arrington, Brindley, Buford, Creagh, Dent, Hudson, King, McClanahan, McConnell, McVay, Moores, Phillips, Rodgers and Wilson of F.

NAYS—messrs. Fleming, Foster, Jones, McAllister, Oliver, Reese, Ross, Thornton, Toulmin, Walker, Walthall, Watkins, Watrous and Wilson of J.

An act to regulate the number and fix the pay of the Directors and other officers of the Bank of the State of Alabama, and its several Branches:

An act for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile:

An act to repeal the several acts making appropriations in aid of value sixteen sections:

On the passage of this bill, Mr. Creagh desired the yeas and nays:

YEAS—messrs. President, Arrington, Buford, Creagh, Dent, Fleming, Hudson, Jones, King, McAllister, Moores, Oliver, Phillips, Ross, Thornton, Toulmin, Walthall, Watkins and Wilson of F.

NAYS—messrs. Brindley, Foster, McClanahan, McConnell, McVay, Reese, Rodgers, Walker and Wilson of J.

An act concerning Trustees:

An act more fully to carry into effect joint resolutions passed at the present session of the Legislature, upon the subject of the alteration of the constitution of the State of Alabama:

An act to confer upon the commissioners' court of roads and revenue, power to regulate and determine the width of lanes, of the second and third grade of roads.

Ordered, that the titles of the foregoing bills remain unchanged.

Bills of the following titles were then severally read the second time, and ordered to a third reading on to morrow:

An act to authorize Patrick May and John A. Fortune, to erect gates on a certain road therein mentioned:

An act to prohibit the raising of money by lottery:

On this bill, Mr. Toulmin offered the following amendment, to come to the end of the second section: "and on failure to pay the fine and costs, the defendant shall be committed to the jail of the proper county, to remain till said fine and costs shall be paid in full;" which was adopted by the Senate.

An act to alter and define the southern boundary line of East Walker county:

An act to change the time of holding the county court of Walker county:

An act to extend the provisions of the third section of an act, entitled an act to incorporate the town of Camden, in the county of Wilcox:

An act to change the name of Crockettville, in Russell county, to that of Crawford:

An act to incorporate the Huntsville Mechanics' Benevolent Association:

An act for the relief of Jedediah Spencer, administrator of William Spencer, deceased.

Mr. Creagh moved the reference of this bill to the committee on accounts and claims; which motion was lost.

Bills of the following titles, were read a second time and ordered to be engrossed for a third reading on to morrow:

A bill to be entitled an act to attach a part of the county of Perry to the county of Tuscaloosa:

An act regulating the place of holding the spring terms of the circuit court of Mobile county, and for other purposes:

An act to attach section thirty-four, township sixteen, range seven, east, in the Coosa land district, to the county of Talladega.

An act to require an extra term of the Chancery court to be held for Sumter county:

And an act to authorize the surviving executor of Raymond Burroughs, late of Tuscaloosa county, deceased, to sell two acres of land, whereon the Grant's Creek Academy is situate.

Bills of the following titles, were then severally read and referred to appropriate committees:

An act to form an additional regiment in the county of Tuscaloosa—to the military committee.

An act to compensate A. Crozier & Son, for purchasing weights and measures for the State, under a contract with the Secretary of State—to the committee on accounts and claims.

An act for the relief of Cynthia R. Merritt; referred to the committee on propositions and grievances:

An act for the relief of Joseph Lowry and others; referred to the committee on education:

An act for the relief of Peter Eldridge, Isham C. Browder and others; referred to the judiciary committee:

An act to authorize the amendment of writs of error; referred to the judiciary committee:

And joint resolutions concerning the sixteenth section of township seventeen, range six, east; referred to the judiciary committee.

House bill, entitled an act to change the name of certain persons therein named, was read the second time, and on motion of Mr. Baylor, laid on the table:

An act to amend the twelfth section of the sixth chapter of the penal code, was read the second time, and the Senate refused to order the bill to a third reading—this completed the orders of the day:

The special order being suspended temporarily—

Mr. Fleming introduced a bill, entitled an act, to build a jail in the city of Huntsville and county of Madison, and for other purposes; which was read the first time, and the constitutional rule being dispensed with, was forthwith read the second and third times and passed.

Ordered, that the title remain unchanged, and that the Secretary forthwith report the bill to the House of Representatives.

Mr. McConnell offered the following resolution:

Resolved by the Senate, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives, on Saturday next, at the hour of eleven o'clock, A. M. for the purpose of electing a Judge for the ninth judicial circuit.

Which resolution was, on motion of Mr. Hudson, ordered to lie on the table.

The Senate then proceeded to the consideration of the special order, the resolution offered by Mr. Walthall)—after some time spent in arguing the same, the Senate, on motion of Mr. Watrous, adjourned till ten o'clock, to-morrow morning.

SATURDAY, January 7th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Leave of absence, for an unlimited time, was granted to Mr. Foster.

Mr. Phillips, from the judiciary committee, to which was referred an act concerning the registration of deeds—reported it inexpedient to pass the bill, as the object intended to be secured by it, is already amply provided for by law—which report was concurred in.

Mr. Phillips, from the same committee, to which was referred an act for the relief of David Dulany—reported that said bill ought not to pass, inasmuch as it involves the exercise of judicial powers on the part of the Legislature; which report was concurred in.

Mr. Hudson offered the following resolution:

Resolved, That hereafter, the Senate shall meet every morning at half past nine o'clock, and sit until half past one o'clock, at which time the Senate shall stand adjourned until three o'clock, and then meet and sit until five o'clock, unless the business shall be sooner disposed of—which resolution lies over as a matter of course, for one day.

Mr. Moores introduced a bill to be entitled an act, relative to the Trustees of the University of Alabama, and for other purposes; which was read the first time and ordered to a second reading.

Mr. Williams of F. introduced a bill to be entitled an act, for the relief of purchasers of the sixteenth section of township thirteen, range seven, in Marion county; which was read the first time, and ordered to a second reading.

Mr. Watkins in the chair,) Mr. President presented the petition of the citizens of section sixteen, township four, range three, in Limestone county; which was referred to the committee on education.

Mr. Dent introduced a bill to be entitled an act, to compensate Daniel

M. Forney; which was read the first time, and ordered to a second reading.

Mr. Wilson of F. introduced a bill to be entitled an act for the relief of Walter Chiles; which was read the first time, and ordered to a second reading.

Mr. McConnell introduced a bill to be entitled an act for the relief of certain sixteenth sections, in the county of Talladega—

Also, Joint resolutions and preamble, of the General Assembly of the State of Alabama, in relation to the removal of the seat of Government; which were severally read the first time, and ordered to a second reading.

Mr. Rodgers, from the select committee, to which was referred a bill to be entitled an act, subjecting the several Branches of the Bank of the State of Alabama to the control of the mother Bank, at Tuscaloosa—reported the same back to the Senate, amended agreeably to the instructions of the Senate, viz:—by striking out the third section; which report was concurred in.

Mr. Terry moved to lay the bill on the table.

Mr. Hudson moved to postpone the bill till Wednesday next, and make it the special order for twelve o'clock; which motion was carried.

On motion of Mr. Baylor, an act to incorporate the Warrior Manufacturing Company, was taken from the table, and placed among the orders for to day.

The Senate then took up the orders of the day.

The following bills were severally read the third time, and passed:

An act for the relief of the purchasers of sixteenth section, township eighteen, range five east, in the Coosa land district:

An act to attach a part of the county of Perry to the county of Tuscaloosa:

An act regulating the place of holding the special terms of the Circuit Court of Mobile county, and for other purposes:

An act to attach section thirty-four, township sixteen, range seven east, in the Coosa land district, to the county of Talladega:

An act to require an extra term of the chancery court to be held for Sumter county:

An act to authorize Patrick May, and John A. Fortune, to erect gates on a certain public road therein mentioned:

An act to alter and define the Southern boundary line of East Wetumpka:

An act to change the time of holding the county court of Walker county:

An act to prohibit the raising of money by lottery:

An act to extend the provisions of the third section of an act entitled, an act to incorporate the town of Camden, in the county of Wilcox:

An act to change the name of Crockettville, in Russell county, to that of Crawford:

An act to incorporate the Huntsville Mechanics' Benevolent Association:

An act for the relief of Jedediah Spencer, administrator of William Spencer, deceased:

Ordered, that the titles of the foregoing bills remain unchanged.

An act to authorize the surviving executor of the last will and testament of Raymond Burroughs, late of the county of Tuscaloosa, deceased, to sell two acres of land, whereon the Grant's Creek Academy is situate, belonging to the said estate.

On motion of Mr. Dent, the blank in the fourth line from the bottom was filled with thirty.

The Senate, on the question "shall the bill pass?" rejected it.

An act to establish a Board of Physicians in the county of Talladega; was read the third time, and referred to a select committee—composed of Messrs. McConnell, Buford, and Watkins.

An act to incorporate the Warrior Manufacturing Company, was in order for a second reading

Mr. Baylor offered the following amendment:

Section 12. *Be it further enacted*, That nothing in this act shall be so construed, as to prevent any future Legislature of the State of Alabama from altering, modifying, or repealing this act of incorporation.

Mr. Hudson moved to amend the amendment, by adding the words "after a lapse of fifteen years." Which motion was lost.

The question recurred on the adoption of Mr. Baylor's amendment.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—I am instructed to invite your honorable body to repair to the hall of the House of Representatives, for the purpose of electing the following officers:

A Judge for the County Court of Tuscaloosa county; a Judge for the County Court of Blount county; a Judge for the County Court of Coffee county; and a member of the Medical Board of Florence.

The Senate then immediately went into the hall of the House, for the purposes above specified, were seated.

Mr. President announced the object for which the two Houses assembled.

The two Houses first proceeded to the election of a Judge for the county court of Tuscaloosa county—*Robert M. Garvin, Samuel A. Hale, Alexander B. Meek, Samuel J. D. Moore* and *Charles L. D. Williams*, being in nomination.

Those who voted for *Mr. Garvin*, are Mr. Rodgers, of the Senate; and Messrs. Campbell, Crowder, Fowler, Hubbard, and Morgan of C. of the House.

Those who voted for *Mr. Hale*, are messrs. President, Hudson, Jones, McAllister, McClanahan, Toulmin, Watkins and Wilson of F., of the Senate; and messrs. Bothwell, Bridges, Douglass, Dubose, Fletcher, Garland, Hill, Jones of Cov. Kennedy of M. Moore of P. Morris, Norman, Pynes, Richeson, Skipper, Turner, Williams of P. and Winston of S. of the House—26.

Those who voted for *Mr. Meek*, are messrs. Creagh, King, Ross, Walker and Walthall, of the Senate; and messrs. Speaker, Calhoun, Dortch, English, Gamble, Gasque, Henderson, Jackson, Kendrick, Kennedy of L. McClung, McMillion, Meriwether, Miree, Moore of M. Porter, Rice,

Robinson, Roby, Scott, Smith of T. Valliant, Watts and Woodward, of the House—29.

Those who voted for *Mr. Moore*, are messrs. Brindley, Fleming, Hunter, McConnell and Wilson of J. of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Clay, Cooper, Cunningham, Dunklin, Findley, Griffin, Harrison, Hendrix, Hodges, Lankford, Marchbanks, Martin, Morrison, Mundy, Murphey, Oliver, Pickett, Smith of L. Smith of P. Whorton, Williams of J. Winston of DeK. and Witherspoon, of the House—32.

Those who voted for *Mr. Williams*, are messrs. Arrington, Dent, McVay, Moores, Oliver, Phillips, Reese, Thornton and Watrous, of the Senate; and messrs. Banks, Barron, Cain, Dunn, Earle, Erwin, Gresham, Harris, Henley, Jones of Con. Jones of G. Kidd, McCoy, McLemore, Mitchell, Morrisett, Norris, Pettit, Storrs, Tate and Ware, of the House—30.

Neither of the candidates having a majority of all the votes given, the two Houses proceeded to vote a second time.

Those who voted for *Mr. Garvin*, are messrs. Campbell, Crowder, Morgan of C. Morrison, Walker and Ware, of the House—6.

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Hudson, Hunter, Jones, McAllister, McClanahan, Rodgers, Toulmin, Watkins and Wilson of F. of the Senate; and Messrs. Bothwell, Bridges, Douglass, Dubose, Fletcher, Garland, Jones of Cov. Kennedy of M. Moore of P. Morris, Mundy, Pynes, Richeson, Skipper, Turner, Williams of P. and Winston of S. of the House—29.

Those who voted for *Mr. Meek*, are Messrs. Creagh, King, Ross, Walker and Walthall, of the Senate; and messrs. Speaker, Calhoun, Dortch, English, Gamble, Gasque, Henderson, Kendrick, Kennedy of L. McClung, McMillion, Meriwether, Miree, Moore of M. Norman. Porter, Rice, Robinson, Roby, Scott, Smith of T. Tate, Valliant and Woodward, of the House—29.

Those who voted for *Mr. Moore*, are messrs. Brindley, Fleming, McConnell and Wilson of J. of the Senate; and Messrs. Abernathy, Barclay, Bishop, Caffey, Clay, Cooper, Cunningham, Dear, Dunklin, Findley, Fowler, Griffin, Harrison, Hendrix, Hodges, Hubbard, Lankford, Marchbanks, Martin, Murphey, Oliver, Pickett, Smith of L. Smith of P. Watts, Whorton, Williams of J. Winston of DeK. and Witherspoon, of the House—33.

Those who voted for *Mr. Williams*, are Messrs. Arrington, Buford, Dent, McVay, Moores, Oliver, Phillips, Reese, Thornton and Watrous, of the Senate; and Messrs. Banks, Barron, Cain, Dunn, Earle, Erwin, Gresham, Harris, Henley, Jackson, Jones of Con. Jones of G. Kidd, McCoy, McLemore, Mitchell, Morrisett, Norris, Pettit and Storrs, of the House—30.

There being no election, the two Houses proceeded to ballot the third time.

Those who voted *Mr. Garvin*, are messrs. Campbell, Crowder, Gresham, Harris, McLemore, Morgan of C. Morrison, Robinson, Walker, Ware, Winston of DeK. and Winston of S. of the House—12.

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Hudson, Hunter, McAllister, McClanahan, Rodgers, Toulmin, Watkins and Wilson of F. of the Senate; and messrs. Bothwell, Bridges, Douglass, Dubose, Fletcher, Garland, Hill, Jones of Cov. Kennedy of M. Moore of P. Morris, Norman, Pynes, Richeson, Skipper, Turner and Williams of P. of the House—27.

Those who voted for *Mr. Meek*, are Messrs. Creagh, King, Ross, Walker and Walthall, of the Senate; and messrs. Speaker, Calhoun, Dortch, English, Gamble, Gasque, Henderson, Kendrick, Kennedy of L. McClung, McMillion, Meriwether, Miree, Moore of M. Porter, Rice, Roby, Scott, Smith of T. Watts, Valliant and Woodward, of the House—27.

Those who voted for *Mr. Moore*, are messrs. Brindley, Fleming, McConnell and Wilson of J. of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Clay, Cooper, Cunningham, Dear, Dunklin, Earle, Findley, Fowler, Griffin, Harrison, Hendrix, Hodges, Hubbard, Kidd, Lankford, Marchbanks, Martin, Mundy, Murphey, Oliver, Pickett, Smith of L. Smith of P. Whorton, Williams of J. and Witherspoon, of the House—34.

Those who voted for *Mr. Williams*, are messrs. Arrington, Buford, Dent, McVay, Moores, Oliver, Phillips, Reese, Thornton and Watrous, of the Senate; and messrs. Banks, Barron, Cain, Dunn, Erwin, Henley, Jackson, Jones of Con. Jones of G. McCoy, Mitchell, Morrisett, Norris, Pettit and Storrs, of the House—25.

There being no election, the two Houses proceeded to vote the fourth time.

Those who voted for *Mr. Garvin*, are Mr. Rodgers, of the Senate; and messrs. Campbell, Crowder, Earle, Gasque, Jones of G. Morgan of C. and Morrison, of the House—8.

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Hudson, Hunter, McAllister, McClanahan, Toulmin, Watkins, Wilson of F. and Wilson of J. of the Senate; and messrs. Bothwell, Bridges, Douglass, Dubose, Fletcher, Fowler, Garland, Hill, Jones of Cov. Kennedy of M. McMillion, Moore of P. Morris, Norman, Pynes, Richeson, Skipper, Turner, Williams of P. and Winston of S. of the House—30.

Those who voted for *Mr. Meek*, are Messrs. Creagh, King, Moores, Oliver, Reese, Ross, Walker, Walthall and Watrous, of the Senate; and Messrs. Speaker, Banks, Calhoun, Dortch, Dunn, English, Erwin, Gamble, Harris, Henderson, Jackson, Kendrick, Kennedy of L. McClung, Meriwether, Miree, Porter, Rice, Robinson, Roby, Scott, Smith of T. Valliant and Woodward, of the House—34.

Those who voted for *Mr. Moore*, are Messrs. Brindley and McConnell, of the Senate; and Messrs. Abernathy, Barclay, Bishop, Caffey, Clay, Cooper, Cunningham, Dear, Dunklin, Findley, Griffin, Harrison, Hendrix, Henley, Hodges, Hubbard, Kidd, Lankford, Marchbanks, Martin, McCoy, Moore of M. Mundy, Murphey, Oliver, Pickett, Smith of L. Smith of P. Walker, Ware, Watts, Whorton, Williams of J. Winston of DeK. and Witherspoon, of the House—38.

Those who voted for *Mr. Williams*, are messrs. Arrington, Buford, Dent, McVay, Phillips and Thornton, of the Senate; and messrs. Bar-

ron, Cain, Gresham, Jones of Con. McLemore, Norris, Pettit and Storrs, of the House—14.

There being no election, the two Houses proceeded to ballot the fifth time.

Those who voted for *Mr. Garvin*, are messrs. Harris and Morgan of C. of the House—2.

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Hudson, Hunter, McAllister, McClanahan, Rodgers, Toulmin and Wilson of F. of the Senate; and messrs. Bothwell, Bridges, Douglass, Dubose, Garland, Hill, Jones of Cov. Kennedy of M. McMillion, Moore of P. Morris, Norman, Pynes, Richeson, Skipper, Tate, Turner, Williams of P. and Winston of S. of the House.—28.

Those who voted for *Mr. Meek*, are messrs. Creagh, King, Ross, Walker, Walthall and Watkins, of the Senate; and messrs. Speaker, Banks, Campbell, Dortch, English, Gamble, Gasque, Henderson, Jones of G. Kendrick, Kennedy of L. McClung, Meriwether, Miree, Porter, Rice, Robinson, Roby, Scott, Smith of T. Storrs, Valliant, Watts and Woodward, of the House—30.

Those who voted for *Mr. Moore*, are messrs. Arrington, Brindley, Fleming, McConnell, Moores, Phillips, Reese and Wilson of J. of the Senate; and messrs. Abernathy, Barclay, Bishop, Caffey, Clay, Cooper, Crowder, Cunningham, Dear, Dunklin, Dunn, Earle, Findley, Fletcher, Fowler, Griffin, Harrison, Hendrix, Hodges, Hubbard, Jackson, Jones of Con., Kidd, Lankford, Marchbanks, Martin, McCoy, Moore of M. Morrisett, Morrison, Mundy, Murphey, Oliver, Pickett, Smith of L. Smith of P. Walker, Ware, Whorton, Williams of J. Winston of DeK. and Witherspoon, of the House—50.

Those who voted for *Mr. Williams*, are messrs. Dent, McVay, Thornton and Watrous, of the Senate; and messrs. Barron, Cain, Erwin, Gresham, Henley, McLemore, Mitchell, Norris and Pettit, of the House—12.

There being no election, the two Houses proceeded to ballot the sixth time—the name of *Mr. Williams* being withdrawn.

For *Mr. Garvin*—none.

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Buford, Hudson, Hunter, McAllister, McClanahan, Reese, Rodgers, Toulmin, and Wilson of F. of the Senate; and messrs. Bothwell, Bridges, Douglass, Dubose, Garland, Hill, Jones of Cov. Kennedy of M. McMillion, Moore of P. Morris, Norman, Pynes, Richeson, Turner, Williams of P. and Winston of S. of the House—25.

Those who voted for *Mr. Meek*, are messrs. Creagh, Dent, King, McVay, Moores, Oliver, Ross, Walker, Walthall and Watkins, of the Senate; and messrs. Speaker, Banks, Calhoun, Campbell, Dortch, English, Erwin, Gamble, Gasque, Gresham, Henderson, Henley, Jones of G. Kendrick, Kennedy of L. McClung, McLemore, Meriwether, Miree, Morgan of C. Porter, Rice, Robinson, Roby, Scott, Smith of T. Storrs, Tate, Valliant and Woodward, of the House—40.

Those who voted for *Mr. Moore*, are Arrington, Brindley, Fleming, McConnell, Phillips, Thornton, Watrous and Wilson of J. of the Senate; and messrs. Abernathy, Barclay, Barron, Bishop, Caffey, Cain, Clay,

Cooper, Crowder, Cunningham, Dear, Dunklin, Dann, Earle, Findley, Fletcher, Fowler, Griffin, Harris, Harrison, Henderson, Hodges, Hubbard, Jackson, Jones of Conecuh, Kidd, Lankford, Marchbanks, Martin, McCoy, Mitchell, Moore of M. Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Skipper, Smith of L. Smith of P. Walker, Ware, Watts, Whorton, Williams of J. Winston of DeK. and Witherspoon, of the House—58.

There being no election, the two Houses proceeded to vote the seventh time.

For *Mr. Garvin*, none.

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Buford, Hudson, Hunter, McAllister, McClanahan, Moores, Toulmin, and Wilson of F. of the Senate; and messrs. Bothwell, Bridges, Douglass, Dubose, Garland, Hill, Jones of Cov. Moore of P. Morris, Norman, Pynes, Turner and Winston of S. of the House—23.

Those who voted for *Mr. Meek*, are messrs. Creagh, Dent, King, McVay, Oliver, Reese, Ross, Walker, Walthall and Watkins, of the Senate; and Messrs. Speaker, Banks, Cain, Calhoun, Campbell, Dortch, Dunn, English, Gamble, Gasque, Gresham, Henderson, Henley, Jones of G. Kendrick, Kennedy of L. McClung, McLemore, McMillion, Meriwether, Miree, Morgan of C. Porter, Rice, Robinson, Roby, Scott, Smith of T. Storrs, Tate, Valliant, Watts, Williams of P. and Woodward of the House—44.

Those who voted for *Mr. Moore*, are Messrs. Arrington, Brindley, Fleming, McConnell, Phillips, Rodgers, Thornton, Watrous and Wilson of J. of the Senate; and Messrs. Abernathy, Barclay, Barron, Bishop, Caffey, Clay, Cooper, Crowder, Cunningham, Dear, Dunklin, Earle, Erwin, Findley, Fletcher, Fowler, Griffin, Harris, Harrison, Hendrix, Hodges, Hubbard, Jackson, Jones of Conecuh, Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McCoy, Mitchell, Moore of M. Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Richeson, Skipper, Smith of L. Smith of P. Walker, Ware, Whorton, Williams of J. Winston of DeK. and Witherspoon of the House—59.

There being no election, the two Houses proceeded to ballot the eighth time:

Those who voted for *Mr. Hale*, are messrs. President, Baylor, Hunter, McAllister, McClanahan, Toulmin, and Wilson of F. of the Senate; and messrs. Bothwell, Douglass, Dubose, Hill, Jones of Cov. Morris, Norman and Turner of the House—15.

Those who voted for *Mr. Meek*, are messrs. Buford, Creagh, Dent, Hudson, King, McVay, Moores, Oliver, Ross, Walker, Walthall and Watkins, of the Senate; and messrs. Speaker, Banks, Barron, Calhoun, Dortch, Dunn, English, Gamble, Gasque, Gresham, Henderson, Henley, Jones of G. Kendrick, Kennedy of L. McClung, McLemore, McMillion, Meriwether, Miree, Morgan of C. Porter, Rice, Robinson, Roby, Scott, Smith of T. Storrs, Tate, Valliant, Winston of S. and Woodward of the House—44.

Those who voted for *Mr. Moore*, are messrs. Arrington, Brindley, Fleming, McConnell, Phillips, Reese, Rodgers, Thornton, Watrous, and Wilson of J. of the Senate; and messrs. Abernathy, Barclay, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cooper, Crowder, Cunningham, Dear, Dunklin, Earle, Erwin, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Hendrix, Hodges, Hubbard, Jackson, Jones of Conecuh, Kennedy of L. Kidd, Lankford, Marchbanks, Martin, McCoy, Mitchell, Moore of mad. Moore of r. Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Pynes, Richeson, Skipper, Smith of L. Smith of P. Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. and Witherspoon of the House—67.

Samuel D. J. Moore, having received a majority of the whole number of votes given, mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Tuscaloosa county, for the term prescribed by the constitution.

The two Houses then proceeded to the election of a Judge of the County Court of Blount county—*Patrick Scott* and *Thomas Shearer* being in nomination:

Those who voted for *Mr. Shearer*, are messrs. President, Arrington, King, Oliver, Phillips, Reese, Thornton, Walker, Walthall, Watkins and Watrous, of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bothwell, Caffey, Cain, Calhoun, Campbell, Clay, Cooper, Crowder, Cunningham, Dear, Dortch, Dunklin, Dunn, Earle, English, Erwin, Gamble, Garland, Gresham, Harris, Harrison, Henderson, Hill, Henley, Hodges, Jackson, Jones of Conecuh, Jones of Covington, Jones of Greene, Kendrick, Kennedy of L. Kennedy of M. Kidd, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of m. Moore of P. Morgan of A. Morgan of C. Morris, Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Pickett, Porter, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of P. Smith of T. Storrs, Tate, Turner, Ware, Watts, Williams of P. Winston of S. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Scott*, are Messrs. Baylor, Brindley, Creagh, Dent, Fleming, Hunter, McAllister, McClanahan, McConnell, McVay, Rodgers, Ross, Toulmin and Wilson of J. of the Senate; and Messrs. Bridges, Douglass, Dubose, Findley, Fletcher, Fowler, Gasque, Griffin, Hendrix, Hubbard, Lankford, Norman, Pynes, Smith of L. Valliant, Whorton, Williams of J. and Winston of DeK. of the House.

Mr. Shearer, having received a majority of all the votes cast, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Blount county, for and during the term prescribed by the constitution.

The two Houses then proceeded to the election of a Judge of the County Court of Coffee county—*James Claxton* and *Thomas Tucker* were put in nomination:

Those who voted for *Mr. Claxton*, are Messrs. McConnell, Phillips, Reese, Thornton, Walthall, Watkins and Watrous of the Senate; and messrs. Speaker, Abernathy, Banks, Barron, Bothwell, Bridges, Caffey,

Cain, Calhoun, Clay, Crowder, Cunningham, Dear, Dortch, Douglass, Dunklin, English, Fletcher, Fowler, Gamble, Gasque, Gresham, Harrison, Henderson, Hendrix, Hill, Hodges, Hubbard, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McMillion, Miree, Moore of M. Moore of P. Morrisett, Morrison, Mundy, Murphey, Norris, Oliver, Pettit, Porter, Pynes, Richeson, Robinson, Roby, Scott, Skipper, Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward.

Those who voted for *Mr. Tucker*, are Messrs. President, Arrington, Baylor, Brindley, Creagh, Dent, Fleming, Hudson, Hunter, King, McAllister, McClanahan, McVay, Oliver, Rodgers, Ross, Toulmin, Walker and Wilson of J. of the Senate; and Messrs. Bishop, Campbell, Cooper, Earle, Griffin, Henlev, Jackson, Jones of Conecuh, Jones of Cov. McCoy, Morgan of C. Morris, Pickett, Smith of L. and Ware of the House.

Messrs. Erwin, Findley, Garland, Harris, Kidd, McLemore and Rice, voted for *Mr. Justice*, of Dale county.

Mr. Claxton, having received a majority of all the votes cast, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court for Coffee county, for and during the term prescribed by the constitution.

The two Houses next proceeded to elect a member of the Medical Board at Florence—*Doctor Nathan J. Winston* alone being nomination, received eighty-six votes, being the whole number cast, Mr. Speaker declared him duly and constitutionally elected a member of the Medical Board at Florence, during the term prescribed by the constitution.

The Senate returned to its Chamber—Mr. President resumed the Chair, and on motion of Mr. King, the Senate adjourned till ten o'clock, on Monday.

MONDAY, January 9th, 1843.

The Senate met pursuant to adjournment.

The minutes of Saturday were read and approved.

Mr. McAllister presented the accounts of Young, Mann, and of Geo. W. Williams; which were referred to the committee on accounts and claims.

Mr. McVay presented the petition of sundry citizens of Lauderdale county, in behalf of Nash H. Marks; which was referred to the committee on the judiciary.

Mr. Buford presented the account of N. McDonald; which was referred to the committee on accounts and claims.

Mr. Phillips, from the judiciary committee, to which was referred an act to authorize the amendment of writs of error, reported the bill back to the Senate, without amendment, and recommended its passage.

The bill was then read the third time and passed.

Mr. Walker, from the select committee, to which was referred an act to reduce the salaries of certain officers therein named, reported a substitute bill, and recommended its passage.

The substitute bill was then read, adopted and passed.

Ordered, that the title remain unchanged.

Mr. Walker, from the same committee, reported, that the committee, in considering the amendments accompanying the above recited bill, which proposes to repeal the law requiring the Governor, during the recess of the Legislature, to reside at the seat of government, deemed it advisable to report a bill in lieu of said amendments, and recommended its passage. Satisfied that great injustice will be done the Governor, after reducing his salary one thousand dollars, (more in proportion than that of any other officer,) now to require him during the recess of the General Assembly, when there is no public business to perform to reside in the city of Tuscaloosa. If His Excellency is obliged to reside in this city, a suitable dwelling should be furnished him.

An act to extend the privilege of the Governor, was then read, and on ordering the bill to be engrossed—

The yeas and nays were desired by Mr. Phillips:

YEAS—messrs. Creagh, Dailey, Fleming, Hudson, McAllister, McClanahan, Oliver, McConnell, Rodgers, Ross, Thornton, Walker, Watkins, Watrous, and Wilson of F.

NAYS—messrs. President, Arrington, King, McVay, Moores, Phillips, Reese, and Wilson of J.

So the bill was ordered to be engrossed.

Mr. Ross reported, that the committee on enrolled bills had examined and found correctly enrolled—

An act to incorporate the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama.

Mr. Moores offered the following resolution:

Resolved, That the Cashier of the Bank of the State of Alabama,—as also the Cashiers of the Branch Banks at Huntsville, Decatur, Montgomery, and Mobile, furnish the Senate, at the earliest day practicable, with a statement of debts now in suit, due each Bank, making out their statements according to counties; as also stating what amount is in execution, and upon what amount suit is brought, which has not yet matured into execution,—separating as nearly as practicable, the good debts from the bad; mentioning also in their exhibit, the time when the different suits were commenced.

Which resolution, on motion of Mr. Hudson, was laid on the table.

Mr. Moores then offered the following resolution:

Resolved, That the joint examining committee be required to furnish a statement containing the number of suits brought by the State Bank and its several Branches, which statements shall contain the number and amount of said suits, which have matured into execution, as also the time when said suits were commenced, and what amount is good, bad, or doubtful, of said suits: *Provided*, said statements shall be made out showing the amount sued for in each county.

Which resolution, on motion of Mr. Hudson, was also laid on the table.

Mr. McConnell offered the following resolution:

Resolved, That the committee on the State Bank inquire into the ex-

pediency of authorizing the State Bank and Branches to issue bills of the denomination of one, two, and three dollars to supply the purposes of change in ordinary business transactions, and thereby prevent the State from being flooded with shin plasters.

Adopted.

Mr. Walker introduced a bill to be entitled an act requiring the tax collector of the county of Benton to receive county claims in payment of county taxes.

Mr. McConnell, an act providing for the payment of interest of section sixteen, township nineteen, range five, east, in Talladega county.

Mr. Phillips, an act to provide a remedy against the estates of deceased persons, and to provide for service of process upon the executors, administrators and guardians, in certain cases.

Mr. Buford, an act for the relief of Frances McCoy; which were severally read the first time and ordered to a second reading on to-morrow.

Mr. Buford, from the judiciary committee, to which was referred the petition in behalf of Ellison Warren, reported a bill and recommended its passage.

An act for Ellison Warren's relief was then read the first time and ordered to a second reading.

Mr. Phillips, from the judiciary committee, to which was referred a joint resolution concerning sixteenth section of township seventeen, of range six, east, reported the same back to the Senate without amendment and recommended its passage.

The joint resolution was then read the third time and passed.

Ordered, that the title remain unchanged.

Mr. Oliver presented the petition of A. B. McWhorter in behalf of the Baptist Church at Montgomery; and introduced a bill to be entitled an act to incorporate the first Baptist Church in Montgomery; which was read the first time and ordered to a second reading.

Mr. Dailey presented the petition of the commissioners of township nineteen, range twenty-five, Macon county; which was referred to the judiciary committee.

Mr. Creagh introduced the account of Meggison and Stramler; which was referred to the committee on accounts and claims.

A message by Mr. Garrett, Secretary of State:

Mr. President—His Excellency the Governor has approved a bill, which originated in the Senate, of the following title, to wit:

An act to attach a part of Fayette to Walker county.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed the following resolution, in which they respectfully ask the concurrence of your honorable body.

January 7th, 1843.

Resolved, That with the concurrence of the Senate, the Doorkeeper of the Senate and Doorkeeper of the House of Representatives, are hereby authorized and required to have the State Capitol illuminated the evening of Monday next, ninth instant, in commemoration of

the glorious battle of the eighth of January, one thousand eight hundred and fifteen, at New Orleans.

In which resolution the Senate unanimously concurred.

The Senate then proceeded to the consideration of the orders of the day.

An act to incorporate the Warrior Manufacturing Company, was, on motion of Mr. King, postponed, till to-morrow, and placed among the orders of the day.

An act relative to the trustees of the University of Alabama, and for other purposes, was read the second time and referred to the committee on education.

An act for the relief of the purchasers of the sixteenth section, of township thirteen, range eleven, in Marion county, was read the second time and ordered to be engrossed.

An act to compensate Daniel M. Forney, was read the second time and referred to the committee on accounts and claims.

An act for the relief of Walter Chiles, was read the second time and referred to the committee on education.

An act for the relief of certain sixteenth sections, in the county of Talladega, was read the second time, and on motion of Mr. McConnell, was laid on the table.

Preamble and joint resolutions of the General Assembly of the State of Alabama, in relation to the removal of the seat of Government, was read the second time and referred to the committee on the State Capitol.

Mr. Hudson's resolutions offered on Saturday, were read, and on motion of Mr. Moores, was laid on the table.

This completed the orders of the day.

The message from the House of Representatives, on motion of Mr. Ross, was taken up, viz:

Mr. President—The House of Representatives disagrees to the amendments of the Senate to the bill from the House, entitled an act to authorize the clerks of the circuit and county courts of the county of Wilcox, and the register in chancery to make out and keep reversed indexes of all causes decided in their respective courts.

On motion of Mr. Ross, the Senate receded from its amendments.

Ordered, that the Secretary forthwith inform the House thereof.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed the accompanying bill, entitled an act for the relief of Abel Pool, in which the concurrence of the Senate is requested.

The bill was then read the first time in the Senate, and ordered to a second reading.

Mr. Phillips, from the judiciary committee, to which was referred an act for the relief of Peter Eldridge, John C. Browder and others, reported that the provisions of said bill are in direct conflict with the Constitution of this State; the committee recommended that the bill do not pass.

On motion of Mr. Buford, the report and bill were laid on the table. Mr. McConnell, from the select committee, to which was referred an act to establish a board of physicians in the county of Talladega, reported the same back to the Senate with the addition of another section, extending the provisions of said act to Barbour county; and thus amended recommended its passage.

Which report was concurred in.

The bill was then read a third time and passed; and on motion, the motion was amended to read thus:

An act to establish a board of physicians in the counties of Talladega, Chambers and Barbour.

The Senate then took up the special orders, (Mr. Baylor in the chair.) First. An act for the regulation of the Branch of the Bank of the State of Alabama at Decatur, was, on motion of Mr. Moores, postponed till Thursday next, and made the special order for twelve o'clock of that day.

Second. An act to reduce the compensation of officers and members of the General Assembly, was next in order.

Mr. Terry moved to postpone the bill till Friday next, and make it a special order for twelve o'clock of that day.

In which motion Mr. Creagh desired the yeas and nays:

YEAS—messrs. President, Baylor, Buford, Dailey, Fleming, Jones, Blanford, Moores, Ross, Rodgers, Thornton, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Brindley, Creagh, Hudson, Hunter, King, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Toulmin, Walker and Watkins.

On the Senate refused to postpone the bill to Friday.

Mr. Fleming moved to refer the bill to a select committee.

Mr. Creagh desired the yeas and nays on referring:

YEAS—messrs. President, Buford, Dailey, Fleming, Hudson, Jones, Blanford, Moores, Oliver, Rodgers, Ross, Thornton, Toulmin, Walker, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Baylor, Brindley, Hunter, King, McAllister, McConnell, McVay, Phillips, Reese and Watkins.

On the bill was referred to a select committee.

Messrs. Fleming, Jones and Walker, were appointed said committee.

Mr. Walthall's resolutions for districting the State were next taken up, on motion of Mr. McConnell, postponed till Wednesday next, and made the special order for twelve o'clock of that day.

An act the better to secure and extend the debts due the Bank of the State of Alabama and its several Branches, was next in order.

Mr. Creagh moved to postpone it till Thursday next, and make it the special order for twelve o'clock of that day; which motion was lost.

The question then recurred on Mr. McConnell's motion (of the fifth day) to reconsider the vote on striking out "five."

The yeas and nays were desired:

YEAS—messrs. President, Brindley, Buford, Dailey, Fleming, Hunter, Jones, McAllister, McConnell, Moores, Oliver, Phillips, Rodgers, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Creagh, Hudson, King, McClanahan, McVay, Reese, Ross and Walker.

So the vote on inserting "five" was reconsidered.

Mr. Buford moved to fill the blank with "ten."

The yeas and nays were desired :

YEAS—messrs. Brindley, Buford, Dailey and Wilson of F.

NAYS—messrs. President, Arrington, Baylor, Creagh, Fleming, Hudson, Hunter, Jones, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Watrous and Wilson of J.

So the motion was lost.

Mr. Buford then moved to fill the blank with "six."

The yeas and nays were desired :

YEAS—messrs. Brindley, Buford, Dailey, Fleming, Wilson of F. and Wilson of J.

NAYS—messrs. President, Arrington, Baylor, Creagh, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker and Watkins.

So the motion was lost.

Mr. Rodgers then moved to fill the blank with "five."

Mr. Creagh desired the yeas and nays :

YEAS—messrs. Buford, Dailey, Fleming, Hudson, Hunter, Jones, McAllister, McConnell, Moores, Oliver, Rodgers, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. President, Arrington, Baylor, Brindley, Creagh, King, McClanahan, McVay, Phillips, Reese, Ross and Walker.

The blank was filled with "five."

Mr. Creagh desired the yeas and nays on Mr. Walthall's amendment :

YEAS—messrs. Baylor, Creagh, King, McClanahan, McVay, Reese, Ross and Walker.

NAYS—messrs. President, Arrington, Brindley, Buford, Dailey, Fleming, Hudson, Hunter, Jones, McAllister, McConnell, Moores, Oliver, Phillips, Rodgers, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.

The amendment was lost.

Mr. King offered the following amendment: "Sec. —. *And he it further enacted*, That in all cases, all such new notes, when given as provided for in the provisions of this act, shall have the force and effect of a judgment; and upon failure to make any one of the payments as provided for, execution may issue thereupon, without such notice and form as required by law; and such notes shall operate as a lien, and shall bind all the real and personal property of the principal and each security to the final payment of the debt."

To which Mr. Buford offered the following amendment, which was accepted by Mr. King, viz: "And any clerk of any circuit or county court in this State, shall, on application, issue execution for the amount due on such note."

(Mr. McConnell in the chair,) Mr. Terry offered the following amendment: "Sec. —. *Provided*, in all cases the President and Directors

shall require a mortgage upon all of the real and personal estate *bona fide* owned by the debtor, which shall be in addition to the personal security required by the preceding section of this bill."

On motion of Mr. Hudson, the bill, with the amendments, was postponed, and placed among the orders of the day for to-morrow.

On motion, the Senate then adjourned till ten o'clock, to-morrow.

JANUARY 10, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. McVay, from the committee on propositions and grievances, to which was referred a resolution of inquiry into the expediency of altering and amending the law so as to prohibit members of the General Assembly from receiving a per diem pay, when absent from the seat of government on their own business, reported it inexpedient to legislate on the subject, and asked to be discharged from the further consideration of the same.

Mr. Hudson moved to lay the report and resolution on the table; which motion was lost, and the committee discharged.

Mr. McAllister, from the committee on Indian affairs, to which was referred the account of Goodridge Driver, reported the same back to the Senate, accompanied by a bill, and recommended its passage.

A bill to be entitled an act to pay Goodridge Driver—was then read the first time, and ordered to a second reading.

Mr. Dent offered the following resolution:

Whereas, it appears that there has not been a room in the Capitol assigned for the keeping of the records of the Supreme Court,—

Therefore Resolved, That the committee on the State Capitol, examine the rooms in the Capitol, and assign one suitable for that purpose, for the safe keeping of the records of the Supreme Court of the State of Alabama; which was adopted.

Mr. Fleming offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of passing a law to secure rents, and that it report a bill or otherwise—which was adopted.

Mr. Jones introduced a bill, to be entitled an act, to impose additional duties on the Secretary of State and clerks of the several county courts, and for other purposes; which was read the first time, and ordered to a second reading.

The Senate then proceeded to the consideration of the orders of the day.

An act to extend the privileges of the Governor was in order for a second reading.

Mr. Jones moved its reference to a select committee, with instructions to strike out the proviso in the first section, which requires the Governor to publish his whereabouts; which motion was carried, and messrs. Jones, Fleming and Phillips, were appointed said committee.

The orders of the day being suspended for that purpose, Mr. Jones,

from the select committee, reported, that the committee had amended the bill agreeable to instructions, and thus amended, recommended its passage. The report was concurred in—the bill read a third time, and passed.

Mr. King desired the yeas and nays on its passage:

YEAS—messrs. Baylor, Brindley, Creagh, Dailey, Fleming, Hudson, Jones, McAllister, McClanahan, McConnell, Oliver, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watkins, Watrous and Wilson of F.

NAYS—messrs. President, Arrington, Dent, Hunter, King, McVay, Moores, Phillips, Reese and Wilson of J.

On motion of Mr. Jones, the caption was amended to read thus:

An act, to repeal an act, requiring the Governor of this State to reside at the seat of government during the interval of the legislature.

Bills of the following titles were then read and ordered to be engrossed:

An act requiring the tax collector of the county of Benton, to receive county claims in payment of county taxes:

And an act to incorporate the Warrior Manufacturing company.

The amendment offered by Mr. Baylor on the seventh instant, was ordered for adoption or amendment.

Mr. Hunter offered the following amendment: “after the lapse of 6 years;” which was adopted.

Mr. McClanahan offered the following as a substitute for the amendment before the Senate:

Sec. — *Be it further enacted*, That the individual property both real and personal, of every description, of each and every stockholder in said corporation, shall be liable for the payment of the debts or liabilities of the said company, in the same manner as if the said stockholders were partners in trade—which was lost.

Mr. Hudson then desired the yeas and nays on the adoption of the amendment as amended:

YEAS—messrs. Arrington, Baylor, Brindley, Creagh, Dailey, Hudson, Jones, McAllister, McClanahan, McVay, Toulmin and Wilson of F.

NAYS—messrs. President, Dent, Fleming, Hunter, Jones, King, McConnell, Moores, Oliver, Phillips, Reese, Ross, Thornton, Walker, Watkins, Watrous and Wilson of J.

So the amendment was lost.

Mr. Wilson of F. offered the following amendment—which was adopted:

Provided, That this act shall not be construed to authorize said corporation to issue change tickets or bills to subserve the purpose of money.

Bills of the following titles were severally read the second time, and referred to the appropriate committees.

An act providing for the payment of interest of section sixteen, township nineteen, range five, east, in Talladega county—to the committee on education.

An act to provide a remedy against the estates of deceased persons and to provide for service of process upon executors, administrators, guardians, in certain cases—to the committee on the judiciary.

An act for the relief of Frances McCoy—to the committee on the judiciary:

An act for the relief of Ellison Warren—to a select committee composed of messrs. McAllister, Buford and Toulmin:

A bill to be entitled an act, incorporating the first Baptist Church in Montgomery, was read the second time.

Mr. McClanahan moved to postpone the bill indefinitely, and desired the yeas and nays.

NAYS—messrs. President, Arrington, Baylor, Creagh, Hudson, Jones, McAllister, McClanahan, McVay, Rodgers, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J—15.

NAYS—messrs. Brindley, Dailey, Dent, Fleming, Hunter, King McConnell, Moores, Oliver, Phillips, Reese, Ross, Thornton and Watrous—14.

So the bill was postponed indefinitely.

An act for the relief of Abel Pool, was read the second time and ordered to a third reading.

An act for the relief of the purchasers of the sixteenth section, of township twelve, range eleven, in Macon county, was read the third time, and passed.

Mr. Walker moved to suspend the orders of the day for the purpose of taking from the table of the President, a message and bill just brought from the House of Representatives; which motion was carried.

Mr. President—The House of Representatives has originated and passed a bill, entitled an act, to receive, print, bind, and distribute the new digest, compiled by Hon. C. C. Clay, and for other purposes, in which the concurrence of the Senate is requested: the bill was then read the first time in the Senate, and ordered to a second reading.

Mr. Walker moved to suspend the constitutional rule, to give the bill a second reading forthwith; which was refused.

(Mr. Dent in the Chair.) An act, the better to secure and extend the debts due the Bank of the State of Alabama and its Branches, was next in order.

The question being on the adoption of the amendment offered by Mr. Terry on yesterday, as a substitute for the amendment offered by Mr. King.

Mr. Hunter offered the following as a substitute, for Mr. Terry's substitute:

Section — *And be it further enacted*, That it shall be the duty of the President and Directors of the State Bank or any of its Branches, if deemed necessary, to require of any debtor, proposing to extend his debt, (according to the terms of this act) a mortgage of personal or real estate sufficient to secure the same; which power shall extend to any debts at any time, existing under this act; which Mr. Terry accepted.

Mr. Walthall moved to strike out the words, "if deemed necessary," which Mr. King desired the yeas and nays:

YEAS—messrs. President, Baylor, Brindley, Buford, Creagh, Dailey, Jones, King, McAllister, McClanahan, McConnell, McVay, Reese, Ross, Walker, Walthall and Watkins.

NAYS—messrs. Arrington, Dent, Fleming, Hudson, Hunter, Moore, Oliver, Phillips, Rodgers, Thornton, Toulmin, Watrous, Wilson of I and Wilson of J.

So the words were stricken out.

The question then recurred on adopting the substitute in lieu of the amendment offered by Mr. King.

The yeas and nays were desired:

YEAS—messrs President, Arrington, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Hudson, Hunter, Jones, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Watkins, Walker, Walthall and Wilson of J.

NAYS—messrs. King, McClanahan, Moores and Wilson of F.

So Mr. Terry's amendment was adopted in lieu of that offered by Mr. King.

The amendment was then adopted as a part of the bill by the following vote:

YEAS—messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Dailey, Fleming, Hunter, Jones, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Walker, Walthall, Watkins, Watrous and Wilson of J.

NAYS—messrs. Dent, Hudson, McVay, Moores, Rodgers, Thornton, Toulmin and Wilson of F.

So the amendment was adopted.

Mr. Watrous offered the following amendment:

“Sec. — *And be it further enacted*, That this act shall not be so construed, as to allow any exclusion in bills of exchange taken for previously existing debts, or for the twenty per cent. on extended debts, or of judgments on such bills of exchange.”

For which, Mr. Hudson offered the following, as a substitute:

“Sec. — *And be it further enacted*, That the provisions of this act shall not be so construed as to extend to any bill of exchange taken in curtailment for cash, by said Bank or Branches, for the twenty per cent. due on extension notes in the year eighteen hundred and forty-two.”

These amendments were under discussion, when on motion of Mr. Buford, the whole subject was postponed till to-morrow, and placed among the orders of the day.

When the hour of twelve o'clock was announced, on motion of Mr. Buford, the special order was postponed for the purpose of going into the discussion of the foregoing bill.

Mr. Moores moved to adjourn to ten o'clock, to-morrow.

Mr. Fleming desired the yeas and nays:

YEAS—messrs. Arrington, Baylor, Brindley, Buford, Dailey, Hunter, King, McAllister, McClanahan, McConnell, Moores, Oliver, Phillips, Rodgers, Thornton, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Creagh, Dent, Fleming, Hudson, Jones, McVay, Ross, Toulmin, Walker and Walthall.

So the Senate adjourned till ten o'clock, to-morrow.

WEDNESDAY, January 11th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Walker, from the committee on education, to which was referred resolution of inquiry, into the expediency of passing a law compelling the payment of certain contracts made for teaching of common schools, and to which was also referred the petitions of sundry citizens of the counties of Benton, Talladega and St. Clair, praying the passage of a law to compel the Banks to pay their several townships their proportions of the appropriation in aid of valueless sixteen sections in this State—reported a bill, and recommended its passage, to wit:

A bill to be entitled, an act to pay certain contracts for teaching common schools, was read the first time, and ordered to a second reading.

Mr. Hudson, from the committee on accounts and claims, to which was referred a bill to compensate A. Crozier & Son—reported the same back to the Senate, and recommended its passage.

An act to compensate A. Crozier & Son for purchasing weights and measures for the State, under a contract with the Secretary of State, was read the third time, and passed—ordered, that its title remain unchanged.

Mr. McVay, from the committee on propositions and grievances, to which was referred a bill for the relief of Cynthia R. Merritt—reported the same back to the Senate, with the opinion that the bill ought not to pass.

Which report the Senate concurred in.

Mr. Hudson, from the committee on accounts and claims to which was referred a bill to compensate Daniel M. Forney—reported the bill back to the Senate, and recommended its passage.

A bill to be entitled an act to compensate Daniel M. Forney, was then read the second time, and ordered to be engrossed.

Mr. Baylor offered the following resolution:

Resolved, That the State Bank committee be instructed to inquire if the State Bank at Tuscaloosa, is in a condition to pay the amount due from it in aid of valueless sixteenth sections, and if there should be a deficiency of means, to devise some measure, by bill or otherwise, to carry the existing laws upon that subject into effect.

Which was adopted.

Mr. Moores offered the following resolutions and preamble:

From the reports that have been furnished, it appears that a loss has accrued to the State from the operations and business of the State Bank at Tuscaloosa, for the year one thousand eight hundred and forty-two, seventy-eight thousand four hundred and eighty-two dollars and eighty-eight cents. The Decatur Bank reports a loss also, of thirty-eight thousand nine hundred and thirty-four dollars and thirty-two cents. The Bank at Mobile reports a loss of two hundred and seventy-two thousand eight hundred and sixty-seven dollars and sixteen cents, making, if all the debts made during that time be good, a total loss to the State, from its banking operations, for the year one thousand eight hun-

dred and forty-two, of three hundred and ninety thousand two hundred and eighty-four dollars and forty-six cents. To balance which, we have the profits of the Huntsville Bank, five thousand and forty-five dollars and seventy-six cents; and the profits of the Montgomery Bank, of sixteen thousand one hundred and thirty-nine dollars and fifty-two cents; total profits of twenty-five thousand one hundred and eighty-five dollars and twenty-eight cents. Which still leaves the actual loss to the State, from its banking operations of the year one thousand eight hundred and forty-two, of three hundred and sixty-nine thousand and ninety-nine dollars and eighteen.

The interest due upon the State bonds for the year one thousand eight hundred and forty-three, is as follows: From the State Bank, thirty-six thousand four hundred and thirty-five dollars and ninety-nine; from the Branch at Mobile, one hundred and seventy-five thousand eight hundred and five dollars; from the Montgomery Branch, ninety-five thousand four hundred and sixty-nine dollars and ninety-two cents; from the Decatur Branch, ninety-four thousand nine hundred and seventy-five dollars and fifty-five cents; and from the Huntsville Branch, seventy thousand two hundred and eighty-three dollars; making the aggregate amount of interest payable in good funds, for the year one thousand eight hundred and forty-three, four hundred and seventy-two thousand nine hundred and seventy-one dollars and forty-five cents.

Again, the State bonds due in one thousand eight hundred and forty-four, are from the Branch at Mobile, three hundred and thirty-four thousand dollars; from the Branch at Decatur, one hundred and fifty-nine thousand dollars; from the Branch at Montgomery, three hundred and thirty-three thousand dollars; from the Branch at Huntsville, one hundred and ninety thousand dollars; making the aggregate amount of bonds due in one thousand eight hundred and forty-four, one million and sixteen thousand dollars, which is to be provided for in some manner.

Again, the amount of specie in the State Bank, is four hundred and one thousand two hundred and seventy dollars and nineteen cents; in the Decatur Branch, two hundred and ninety-nine thousand three hundred and sixty-four dollars; in the Mobile Branch, one hundred and fifty-eight thousand five hundred and fifty-six dollars and two cents; in the Montgomery Branch, one hundred and fifty-seven thousand three hundred and sixty-one dollars and twenty-nine cents; in the Huntsville Branch, ninety-five thousand one hundred and seventeen dollars and fifty-one cents. Total amount of specie in the State Bank and all the Branches, one million one hundred and eleven thousand seven hundred and twenty-nine dollars and one cent.

The circulation of the State Bank is six hundred and sixty-nine thousand and fifty-four dollars; of the Mobile Branch, two millions nine hundred and eighty-six thousand one hundred and seventy-one dollars; of the Montgomery Branch, nine hundred and twenty-four thousand two hundred and sixty-three dollars; of the Decatur Branch, nine hundred and twenty-three thousand one hundred and ninety-six dollars; and of the Huntsville Branch, ninety-seven thousand one hundred and

forty-nine dollars. Total amount of circulation, five millions five hundred and fifty-nine thousand eight hundred and thirty-three dollars; excess of circulation over specie, four millions four hundred and forty-eight thousand one hundred and five dollars and ninety-nine cents; which excess is to be redeemed. It is also probable that the entire debt which is good, (and which can be made available in any reasonable time,) now due the different Banks will not reach much over eight millions of dollars, if indeed, so much. Considering, therefore, the positions proven by the above statistical data, viz: that a very large amount of interest is due yearly; that a considerable amount of State bonds fall due in one thousand eight hundred and forty-four. That the amount of circulation over specie is great. That the good assets of the Banks have diminished, and are yearly diminishing, and that the Banks are yearly entailing a considerable debt upon the State, which can be paid alone by taxation—

Be it further resolved, 1st. That it is the opinion of the Senate that the entire banking system should and ought to be abolished.

Resolved 2d. That the State Bank committee be instructed to report three bills: one for closing up the business of the State Bank; one for closing up the Branch Bank at Montgomery; and one for closing up the Branch Bank at Huntsville.

Resolved 3d. That said committee also report a bill providing for the prompt, and punctual payment of the interest due yearly on the State bonds; providing in said bill what disposition shall be made of the specie now in the vaults of the several Banks.

Mr. Thornton moved to lay the resolutions on the table, and print one thousand copies.

Mr. King moved its reference to the State Bank committee for examination.

On motion of Mr. Moores, it was referred to a select committee—Messrs. Moores, Hudson and Thornton constitutes said committee.

Mr. McClanahan presented the petition of the commissioners of the sixteenth, section township thirteen, range ten, west; which was referred to the committee on education.

Mr. Dailey introduced a bill to be entitled an act to repeal the act establishing separate chancery courts in this State; which was read the first time and ordered to a second reading.

Mr. McConnell introduced a bill to be entitled an act to repeal an act entitled an act to incorporate the town of Talladega; which was read the first time and ordered to a second reading.

Mr. Wilson of J. introduced a bill to be entitled an act to provide for the education of indigent children; which was read the first time and ordered to a second reading.

Mr. President laid before the Senate a communication from the Adjutant and Inspector General of this State, accompanied by his abstract report of the strength and condition of the militia of Alabama; which, on motion, was referred to the committee on military affairs.

A message from the House of Representatives, by Mr. Clitherall:

Mr. President—The House of Representatives has originated and

passed a bill to be entitled an act to extend for a limited time, the indebtedness of the purchasers of the sixteenth section, township nineteen, range seven; in which the concurrence of the Senate is requested.

The bill was then read the first time and ordered to a second reading.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has originated and passed the accompanying bill, to be entitled an act for the regulation of the Branch of the Bank of the State of Alabama at Mobile, and ask the concurrence of the Senate.

The bill was read the first time in the Senate, and on motion of Mr. King, the constitutional rule was suspended, and the bill forthwith received its second reading.

Mr. Rodgers moved to strike out the sixteenth section.

Mr. Hudson moved to refer the bill to the committee on the State Bank; which was carried.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has originated and passed a bill to be entitled an act to regulate the Branch of the Bank of the State of Alabama at Decatur.

Also, a bill to be entitled an act to repeal in part the act appropriating two hundred thousand dollars annually in aid of sixteenth sections, in which the concurrence of the Senate is requested.

An act to regulate the Branch of the Bank of the State of Alabama at Decatur, was read the first time in the Senate.

Mr. Dent moved to suspend the constitutional rule, and give the bill its second reading forthwith; which motion was carried, and the bill was, on motion, referred to the State Bank committee.

An act to repeal in part an act appropriating two hundred thousand dollars annually in aid of sixteenth sections, was read the first time in the Senate.

Mr. King moved a suspension of the constitutional rule; which was lost.

So the bill was ordered to a second reading on to-morrow.

The Senate then proceeded to the consideration of the orders of the day.

An act to pay Goodridge Driver, was read the second time and ordered to be engrossed.

An act to impose additional duties on the Secretary of State and clerks of the several county courts, and for other purposes, was read the second time and referred to the committee on the judiciary.

An act requiring the tax collector of the county of Benton to receive county claims in payment of county taxes, was read the third time and passed.

Ordered, that the title remain unchanged.

An act for the stay of executions in certain cases, and for other purposes therein named, which together with the report of the select committee, was postponed on the sixth instant, then came up in order.

The substitute bill by the committee, entitled an act to authorize the

stay of executions when specie may be demanded, and for other purposes, was adopted by the Senate.

Mr. Creagh moved to postpone the bill till Monday next.

Mr. Fleming desired the yeas and nays:

YEAS—messrs. Arrington, Brindley, Buford, Creagh, Dailey, Hudson, Phillips, Reese and Watkins.

NAYS—messrs. President, Dent, Fleming, Foster, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watrous, Wilson of F. and Wilson of J.

So the motion was lost.

Mr. Dailey then offered the following amendment: "*Provided*, the provisions of this act shall not be so construed as to operate against creditors living in this State only; which was lost.

Mr. Baylor moved to refer to the judiciary committee; which motion was lost.

Mr. Dailey offered the following amendment: strike out the word "one," in the third line of the third section, and insert "five."

A division of the question was called for, and the yeas and nays desired on striking out:

YEAS—Messrs. President, Creagh, Dailey and King—4.

NAYS—messrs. Arrington, Baylor, Brindley, Buford, Dent, Fleming, Foster, Hudson, Hunter, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J.

So the amendment was lost.

Mr. Dent offered the following amendment: "*Provided, however*, the provisions of this act shall not extend to debts contracted prior to the first of June, eighteen hundred and forty two.

Mr. McClanahan offered the following amendment to the amendment: strike out "first of June, eighteen hundred and forty-two," and insert, "after the passage of this act;" and desired the yeas and nays:

YEAS—messrs. President, Arrington, Baylor, Creagh, Dailey, Hudson, King, McClanahan, Phillips, Toulmin, Walker and Watrous.

NAYS—Messrs. Brindley, Buford, Dent, Fleming, Foster, Jones, McAllister, McConnell, McVay, Oliver, Ross, Thornton, Walthall, Watkins, Wilson of F. and Wilson of J.

So the amendment was lost; and the amendment offered by Mr. Dent was adopted.

Mr. Creagh moved to postpone the bill indefinitely, and desired the yeas and nays:

YEAS—Messrs. President, Buford, Creagh, Dailey, Hunter, McClanahan, McVay, Phillips, Thornton, Toulmin, Walker and Watrous—12.

NAYS—messrs. Arrington, Baylor, Brindley, Dent, Fleming, Foster, Hudson, Jones, King, McAllister, Moores, McConnell, Oliver, Rodgers, Ross, Walthall, Watkins, Wilson of F. and Wilson of J.—19.

So the Senate refused to indefinitely postpone.

Mr. Baylor offered the following amendment: "*Provided*, the provisions of this act shall not apply to cases where the contracting parties agreed expressly to pay specie or par funds."

On motion of Mr. Hudson, the bill and amendment were recommitted to a select committee—and messrs. Hunter, Baylor and Jones, appointed said committee.

Mr. Walthall offered the following, as a substitute for the amendment of Mr. Baylor, to go with the bill to the committee: "*Provided*, that in all cases where the contract or writing binds the party to pay specie or its equivalent, by an express stipulation, that this act shall not apply."

Mr. Baylor offered also the following instructions for the committee: "Introduce a bill that, when property is exposed for sale, and should not bring two-thirds of its value, to be appraised by three disinterested individuals, that the sale shall be postponed ——— months;" all of which were referred to the committee, with the bill.

When the hour of twelve was announced, the special orders were taken up, and on motion of Mr. Buford, the resolution for districting the State was postponed till Friday next, and made the special order for twelve o'clock of that day.

The bill subjecting the several Branches of the Bank of the State of Alabama to the control of the mother Bank of said State, at Tuscaloosa, being the next special order, was, on motion, postponed till Monday next, and made the special order for twelve o'clock of that day.

Mr. Ross reported that the committee on enrolled bills had examined and found correctly enrolled, bills of the following titles:

An act to authorize the clerks of the circuit and county courts of the county of Wilcox, and the register in chancery, to make out and keep reversed indexes of all causes decided in their respective courts:

An act to alter and define the southern boundary line of East Wetumpka:

An act to change the name of Crockettville, in Russell county, to that of Crawford:

An act to extend the provisions of the third section of an act entitled an act to incorporate the town of Camden, in the county of Wilcox:

An act to prohibit the raising of money by lottery:

An act to change the time of holding the county court of Walker county:

An act to incorporate the Huntsville Mechanics' Benevolent Association:

An act to authorize Patrick May and John A. Fortune to erect gates on a certain public road therein mentioned:

An act for the relief of Jedediah Spencer, administrator of William Spencer, deceased:

An act to authorize the amendment of writs of error:

Also, a joint resolution concerning the sixteenth section of township seventeen, range six, east.

The consideration of the orders of the day was then resumed.

An act to incorporate the Warrior Manufacturing Company, was read the third time and passed.

Ordered, that the title remain unchanged.

An act for the relief of Abel Pool, was read the third time and passed.

Ordered, that the title remain unchanged.

(Mr. Hudson in the chair.)

An act to receive, print, bind and distribute the new Digest compiled by C. C. Clay, Esq., and for other purposes, was read the second time.

Mr. Fleming moved to suspend the constitutional rule, and give the bill its third reading forthwith.

Mr. Dent moved to refer the bill to the judiciary committee, and desired the yeas and nays:

YEAS—messrs. Arrington, Buford, Dailey, Dent, Foster, Hunter, King, McVay, Moores, Oliver, Reese, Ross and Watrous.

NAYS—messrs. President, Brindley, Creagh, Fleming, Hudson, McAllister, McClanahan, McConnell, Rodgers, Thornton, Toulmin, Walker, Walthall, Watkins, Wilson of F. and Wilson of J.

So the Senate refused to refer the bill to the judiciary committee.

Mr. Phillips moved to postpone the subject till to-morrow; and the yeas and nays were called for:

YEAS—messrs. Arrington, Buford, Creagh, Dailey, King, Moores, Phillips, Reese and Watrous.

NAYS—messrs. President, Brindley, Dent, Fleming, Foster, Hudson, Hunter, McAllister, McClanahan, McConnell, McVay, Oliver, Ross, Rodgers, Thornton, Toulmin, Walker, Walthall, Watkins, Wilson of F. and Wilson of J.

So the Senate refused to postpone the bill.

The question recurring on Mr. Fleming's motion to suspend the rule; which was carried.

Mr. Hunter desired the yeas and nays on the passage of the bill.

Mr. Buford called for the passage of the bill, section by section; which the chair declared to be out of order.

Mr. Buford appealed from the decision, and the chair was sustained by the Senate.

Those who voted for the passage of the bill, are messrs. President, Brindley, Creagh, Fleming, Foster, Hudson, McAllister, McClanahan, McVay, McConnell, Rodgers, Thornton, Toulmin, Walker, Walthall, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Buford, Dailey, Dent, Hunter, Moores, Reese and Ross.

So the bill passed.

Ordered, that the title remain unchanged.

On motion of Mr. Hudson, the Senate then adjourned till ten o'clock, to-morrow.

THURSDAY, January 12, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Moores presented the petition of the commissioners of section fifteen, township seventeen, range two, east, in Marengo county; which was referred to a select committee, composed of messrs. Moores, McClanahan and Phillips.

Mr. Rodgers presented the petition of Thomas W. Harvey; which was referred to the committee on propositions and grievances.

Mr. Phillips, from the judiciary committee, to which was referred a bill to be entitled an act to authorize **Thomas M. Cowles** to take out letters of administration in the county of Montgomery, reported the same back to the Senate, and recommended its passage.

The constitutional rule was, on motion of **Mr. Oliver**, suspended, and the bill immediately read the third time and passed.

Ordered, that the title remain unchanged.

(**Mr. Hudson** in the chair.)

Mr. Baylor, from the committee on education, to which was referred the petition of sundry citizens of Limestone county, of section sixteen, township four, range three, reported it inexpedient to grant the prayer of the petitioners, and asked to be discharged.

On motion of **Mr. Terry**, the report and petition were laid on the table.

Mr. Baylor, from the same committee, to which was referred a bill to be entitled an act providing for the payment of interest of section sixteen, township nineteen, range five, east, in Talladega county, reported the same back to the Senate, and recommended its passage.

The bill was then read the second time, and ordered to be engrossed.

Mr. Baylor, from the same committee, to which was referred a bill to be entitled an act for the relief of **Walter Chiles**, reported the same back to the Senate, and recommended its passage.

The bill was then read the second time, and ordered to be engrossed.

Mr. Moores, from the select committee, to which was referred certain resolutions and preamble, relating to the condition of the State Bank and its several Branches, reported the same back to the Senate, and stated, that with the exception of an error in relation to the interest due from the Mobile Bank—stated at two hundred and ten thousand three hundred and thirty-one dollars and eighty-four cents; which should be, one hundred and seventy-five thousand eight hundred and five dollars. They believe, from the examination of the several reports made by the commissioners, that if the additions of the several items are accurate, that the statements made in the preamble and resolutions, are correctly set forth.

The question being on the adoption of the preamble and resolutions, **Mr. Creagh** moved to strike out so much of the resolutions as relates to the winding up of the State Bank.

Mr. Dent moved to strike out all after the second resolution.

Mr. Wilson of F. offered the following amendment, after the word "system," in the second line of the first resolution, "both State and individual."

Mr. Buford moved to lay on the table and print one hundred and thirty-three copies.

Mr. Walthall moved to postpone until Wednesday next.

The yeas and nays were desired on this motion:

YEAS—messrs. President, Arrington, Baylor, Creagh, Buford Dent, Foster, Hudson, McClanahan, McConnell, McVay, Ross, Thornton, Toulmin, Walker, Walthall and Wilson of J.

NAYS—messrs. Brindley, Dailey, Fleming, Hunter, Jones, King

McAllister, Moores, Oliver, Phillips, Rodgers, Watkins, Watrous and Wilson of F.

So the bill was postponed till Wednesday next.

Mr. Ross made the following report:

The committee on enrolled bills have examined, and find correctly enrolled bills entitled,

An act to compensate A. Crozier and Son for purchasing weights and measures for the State, under a contract with the Secretary of State.

And an act to receive, print, bind and distribute the New Digest compiled by C. C. Clay, Esq., and for other purposes.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act, the better to secure and extend the debts due the Bank of the State of Alabama and its several Branches, was first in order.

The substitute offered by Mr. Hudson for the amendment proposed by Mr. Watrous, on the tenth instant, was accepted by Mr. Watrous.

Mr. Walthall objected to its acceptance, and subsequently offered himself the amendment thus withdrawn, by Mr. Watrous' acceptance of a substitute, and desired the yeas and nays on its adoption:

YEAS—messrs. Baylor, Creagh, Foster, King, McClanahan, McConnell, McVay, Phillips, Rodgers, Walker, Walthall and Watkins.

NAYS—messrs. President, Arrington, Brindley, Buford, Dailey, Dent, Fleming, Hudson, Hunter, Jones, McAllister, Moores, Oliver, Ross, Thornton, Toulmin, Watrous, Wilson of F. and Wilson of J.

So the amendment offered by Mr. Walthall was not accepted by the Senate, as a substitute for that offered by Mr. Watrous.

The question recurred on the adoption of the amendment offered on the tenth instant, by Mr. Hudson, and accepted by Mr. Watrous, as a substitute for the one originally offered by Mr. Watrous.

The yeas and nays were desired:

YEAS—messrs. Arrington, Baylor, Brindley, Creagh, Foster, Hudson, King, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walthall, Watkins and Watrous.

NAYS—messrs. President, Buford, Dailey, Dent, Fleming, Hunter, Jones, Moores, Oliver, Ross, Thornton, Walker, Wilson of F. and Wilson of J.

So the amendment was adopted.

Mr. Wilson of J. moved to adjourn to ten o'clock, to-morrow—which was lost.

Mr. Rodgers moved to adjourn to half past three o'clock, this evening—which was lost.

Mr. Walthall offered the following amendment: "*Provided*, The provisions of this act shall not be so construed, as to extend to the members of the present General Assembly."

Mr. Dent offered the following amendment to the amendment: "or to such as have been, or may be hereafter elected;" both of which were put off by a call for the previous question by Mr. Phillips, viz:

Shall the bill be ordered to be engrossed for a third reading on to-morrow?

The call for the previous question was sustained by the following vote:

YEAS—messrs. President, Arrington, Buford, Dent, Fleming, Hudson, Hunter, Jones, McAllister, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Toulmin, Watkins, Watrous and Wilson of J.

NAYS—messrs. Brindley, Baylor, Creagh, Dailey, Foster, King, McClanahan, McConnell, Thornton, Walker, Walthall, and Wilson of F.

On ordering the bill to be engrossed, the vote was as follows:

YEAS—messrs. Arrington, Buford, Dent, Hudson, Hunter, Jones, Moores, Oliver, Thornton, Watkins, Watrous and Wilson of F.

NAYS—messrs. President, Baylor, Brindley, Creagh, Dailey, Fleming, Foster, King, McAllister, McClanahan, McConnell, McVay, Phillips, Rodgers, Ross, Toulmin, Walker, Walthall and Wilson of J.

So the Senate refused to order the bill to be engrossed.

When the hour set for the special order was announced, on motion of Mr. King, the bill to be entitled an act for the regulation of the Branch of the Bank of the State of Alabama at Decatur, was laid on the table.

On motion of Mr. Phillips, the Senate then adjourned till ten o'clock, to-morrow.

FRIDAY, January 13th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Rodgers presented the account of B. W. Bradford, and Jack Shackelford—which was referred to the committee on accounts and claims.

Mr. Toulmin, from the State Bank committee, to which was referred the bill to be entitled an act, for the regulation of the Branch of the Bank of the State of Alabama at Mobile, reported the same back to the Senate with the following amendments, and thus amended recommended its passage:

1st Amendment. In the second line of the third section, strike out the word "three," and insert the word "two." In the third line of the same section, strike out the word "seven" and insert the word "five;" which amendments were concurred in:

YEAS—messrs. President, Arrington, Brindley, Dent, Foster, Hudson, Hunter, McAllister, McClanahan, McConnell, McVay, Moores, Toulmin, Walthall, Watkins, Watrous and Wilson of F—17.

NAYS—messrs. Baylor, Creagh, Dailey, Fleming, Jones, King, Oliver, Phillips, Rodgers and Ross—10.

2d Amendment. In the sixteenth section, strike out all after word "issues" in the fifth line, and insert the following: "they shall in like manner redeem the notes of the Branch Bank at Mobile;" which amendment was concurred in.

3d Amendment. Sec. — *Be it further enacted,* That the President and Directors shall on or before the first Monday of May, one thousand eight hundred and forty-three, proceed to sell to the highest bidder, for cash, all the personal property held by said Branch Bank, (except the furniture belonging to the Banking House) after having given thirty days notice of the time and place of any such sale, in one or more newspa-

pers published in the city of Mobile, and in one paper published nearest the place of sale: *Provided however*, no sale shall take place until the President and Directors shall have obtained the assent of the Governor thereto. To which amendmend, Mr. Phillips offered the following:

And provided further, That at such sale neither the President nor Directors, shall become, either directly or indirectly, purchasers of any of said property, except it be for the State of Alabama.

(Mr. McConnell in the chair,) Mr. Terry proposed to amend, by striking out, "on or before the first Monday in May," and insert these words, "during the year;" which amendment was adopted.

Mr. Creagh moved to strike out "cash;" in the third line, with the view of inserting "six months credit, taking notes with approved security."

A division of the question was called for, and the yeas and nays desired on striking out:

YEAS—messrs. President Baylor, Creagh, McAllister, McConnell, Moores, Oliver, Reese and Walthall.

NAYS—messrs. Arrington, Brindley, Buford, Dailey, Dent, Fleming, Foster, Hudson, Hunter, Jones, King, McClanahan, McVay, Phillips, Rodgers, Toulmin, Walker, Watkins, Watrous, Wilson of F. and Wilson of J.

So Mr. Creagh's amendment was lost.

The amendment proposed by the committee thus amended, was then adopted.

On motion of Mr. Hudson, the constitutional rule was suspended, the bill read the third time forthwith, and passed.

Ordered, that the Secretary immediately report the same to the House—and that its caption remain unchanged.

Mr. Toulmin, from the same committee, to which was referred a bill to be entitled an act, to regulate the Branch of the Bank of the State of Alabama at Decatur—reported the same back to the Senate, with the following amendments, and thus amended, recommended its passage:

1st. *Amendment*, in the third line of the fourth section, strike out "seven" and insert "five," also in the last line, same section, strike out "three" and insert "two;" which amendment was adopted.

2d. *Amendment*, in the sixteenth section, strike out all after the word "issues," in the fifth line, and insert the following:—"They shall in like manner, redeem the notes of the Branch Bank at Decatur."

On the adoption of which the yeas and nays were desired:

YEAS—messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hudson, Hunter, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Toulmin, Walker, Walthall, Watrous, Watkins and Wilson of F.

NAYS—messrs. Jones and Wilson of J.

So the amendment was adopted.

3d *Amendment*. "Sec. — *And be it further enacted*, That the President and Directors shall, on or before the first Monday of May, eighteen hundred and forty-three, proceed to sell to the highest bidder for cash,

all the personal property held by said Branch Bank, (except the furniture belonging to the Banking House,) after having given thirty days notice of the time and place of any such sale, in one or more newspapers, published in the town of Decatur, and in one paper published nearest the place of sale:—*Provided, however*, no sale shall take place until the President and Directors shall have obtained the assent of the Governor thereto.

On motion of Mr. Hudson, the same amendments were made to this section as were made to the similar section of the bill, to regulate the affairs of the Branch Bank at Mobile, to wit:

“And provided further, That at such sale, neither President or Directors shall become either directly or indirectly purchasers of any of said property, except it be for the use of the State of Alabama.”

The amendments thus amended, was adopted.

Mr. Hudson moved to fill the blank in the second section, with “twelve hundred.”

Mr. Terry, with “fifteen hundred”—and desired the yeas and nays:

YEAS—messrs. President, Baylor, Brindley, Buford, Dailey, Jones, McClanahan, Moores, Walker and Watkins.

NAYS—messrs. Arrington, Creagh, Dent, Fleming, Foster, Hudson, Hunter, King, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Toulmin, Walthall, Watrous, Wilson of F. and Wilson of J.

So the motion to fill with “fifteen hundred,” was lost.

On motion of Mr. Phillips, the blank was filled with “thirteen hundred.”

On motion of Mr. Hudson, the constitutional rule was dispensed with, and the bill forthwith read the third time, and passed unanimously.

Ordered, that the title remain unchanged, and that the Secretary forthwith report the bill to the House of Representatives.

Mr. President announced the hour of twelve o’clock; when on motion, the special order, Mr. Walthall’s resolution for Districting the State, was postponed till Monday next, and made the special order for twelve o’clock, of that day.

Mr. Hunter, made the following report to the Senate, on the part of the joint examining committee:

The joint examining committee has turned its attention wholly to ascertaining the condition of the debts of the Banks, as relates to the manner in which they are received, aided by the delegations from the several counties, they have carefully examined the indebtedness of their constituents; the results of this examination are herewith submitted. The sheet marked A, is a condensed statement of the aggregate amount of good, bad and doubtful debts, due by each county. In all cases where the parties indebted, were unknown, their debts are classed under the head of doubtful debts.

On motion of Mr. Hudson—ordered, that the report be spread on the Journal of the Senate, and that one thousand copies thereof be printed.

[A.] TOTAL INDEBTEDNESS,
Of each County to the State Bank and Branches, classified.

COUNTIES.	GOOD.	BAD.	DOUBTFUL.
Autauga,.....	174,958 91	180,524 44	86,860 22
Blount,.....	71,833 38	92,868 83	4,787 83
Benton,.....	55,071 34	56,560 76	10,774 50
Barbour,.....	62,984 86	40,110 84	10,418 66
Baldwin,.....	32,656 50	1,400	
Bibb,.....	54,412 54	54,175 18	13,018 03
Butler,.....	55,713 84	74,849 06	13,084 85
Cherokee,.....	2,393 37	22,386 07	3,492 81
Chambers,.....	70,764 98	21,818 86	7,406 25
Clarke,.....	174,120 73	12,486 98	23,120 61
Conecuh,.....	48,520 51	9,203 92	7,889 75
Coosa,.....	47,284 42	21,305 94	48,135 12
Covington,.....	2,856 27		1,334
De Kalb,.....	15,836 64	25,000 77	1,493 58
Dale,.....	18,997 16	17,567 50	2,844 74
Dallas,.....	350,417 50	29,181 74	64,468 68
Fayette,.....	36,792 10	12,047 62	8,537 52
Franklin,.....	223,408 50	272,198 69	68,085 89
Greene,.....	603,660 41	59,217 70	132,857 03
Henry,.....	27,633 47	6,310 49	3,904 67
Jackson,.....	88,324 80	126,824 14	20,854 87
Jefferson,.....	49,120 13	33,187 59	5,131
Lauderdale,.....	192,575 50	53,749 84	13,834 18
Lawrence,.....	591,889 89	212,768 87	105,107 43
Limestone,.....	285,050 93	161,111 48	19,170 96
Lowndes,.....	392,449 67	153,779 92	33,277 11
Marshall,.....	41,916 54	131,188 43	16,115 89
Madison,.....	835,865 31	91,559 23	51,057 19
Morgan,.....	164,595 74	199,677 26	11,712 38
Marion,.....	10,234 67	53,991 17	1,053 52
Macon,.....	98,491 82	19,176 85	76,166 73
Marengo,.....	383,990 97	143,247 59	68,144 48
Mobile,.....	908,611 57	1,242,826 16	588,789 51
Montgomery,.....	753,378 51	344,394 36	124,241 57
Monroe,.....	112,282 35	51,974	11,173 29
Perry,.....	332,574 46	116,372 09	22,198 85
Pickens,.....	136,098 34	34,944 23	9,262 11
Pike,.....	35,680 11	17,369 72	19,014 42
Randolph,.....	11,218 76	11,992 29	4,217 17
Russell,.....	50,830 33	11,451 58	7,874 70
St. Clair,.....	10,285 98	38,051 30	1,583 66
Shelby,.....	49,768 44	22,320 61	2,451 09
Sumter,.....	328,151	280,457 83	55,306 31
Talladega,.....	186,109 05	79,060 70	8,665 45
Tallapoosa,.....	18,038 07	13,589 49	5,846 40

Tuscaloosa, ...	215,827 16	339,810 41	71,190 07
Washington, ...	69,827 10	20,753 03	9,648 48
Walker, ...	15,272 13	22,919 94	11,737 70
Wilcox, ...	153,289 25	73,423 93	45,762 68
University, ...	64,500		
Cotton Debt, ...		351,190 14	
STATES:			
Mississippi, ...	34,176 51	12,161 91	84,609 02
Tennessee, ...	5,019 52		2,681 68
Georgia, ...			7,652 05
Pennsylvania, ...			2 06
Promiscuous, ...	54,363 76	26,951 62	20,195 52
Total, ...	\$8,852,135 80	\$5,501,493 16	\$2,048,244 81

Classification of indebtedness to the State Bank.

COUNTIES.	GOOD.	BAD.	DOUBTFUL.
Autauga, ...	1,285	3,576 00	22,891 84
Blount, ...	1,073	22,524 36	2,223 81
Benton, ...	1,427	3,561 60	544
Bibb, ...	32,600	42,827	6,090
Butler, ...		800	
Cherokee, ...	508 36		
Chambers, ...	718		
Clarke, ...	7,226 66	1,840	2,000
Conecuh, ...		740	390
De Kalb, ...		1,850	
Dallas, ...	32,047 80	12,924	3,742
Fayette, ...	35,640 10	9,820 32	8,461 52
Franklin, ...	6,354	16,360 71	6,209
Greene, ...	358,170 96	32,087 62	43,557 08
Henry, ...		320	
Jackson, ...	3,755	13,165 60	
Jefferson, ...	43,337 43	27,717	5,131 00
Lauderdale, ...	816	3,346 75	
Lawrence, ...	18,906 63	11,750	201 02
Limestone, ...	2,595	7,348	
Lowndes, ...	5,340	10,270	129
Marshall, ...	204	10,318	576
Madison, ...	5,914 26	2,362	
Morgan, ...		1,176	294
Marion, ...	2,446	25,410	428
Macon, ...	407	592	
Marengo, ...	134,666 82	32,034 01	27,607 09
Mobile, ...	10,451 88	7,000	8,240
Montgomery, ...	1,300	7,063	866
Monroe, ...	7,777	7,318	5,925

Perry,.....	113,602 60	44,743 48	7,817 30
Pickens,.....	67,588 17	24,353	4,445 40
Pike,.....	482	2,626	
St. Clair,.....	3,725	13,552	
Shelby,.....	17,565 73	11,002 25	2,378
Sumter,.....	60,905 81	119,816 55	29,208 66
Talladega,.....	32,590 42	24,397	971
Tallapoosa,.....		300	
Tuscaloosa,.....	189,460 29	293,962 53	47,263 80
Washington,.....	1,750		211
Walker,.....	13,336 04	15,542 38	5,971 08
Wilcox,.....	28,880	20,090 64	6,378 00
University,.....	64,500		
Cotton Debt,.....		351,190 14	
Total,.....	\$1,309,353 96	\$1,237,677 94	\$250,150 60

Classification of the Indebtedness of each County to the Huntsville Branch.

COUNTIES.	GOOD.	BAD.	DOUBTFUL.
Autauga, - - -	560		
Blount, - - -	7,108 39	13,972 23	992 12
Benton, - - -	14,474 65	3,212 71	1,825 80
Cherokee, - - -	607 18	9,249 24	1,544 02
Coosa, - - -	7,070 68		
De Kalb, - - -	6,732 18	8,089 94	404 59
Dallas, - - -	17,737 88		
Franklin, - - -	61,235 29	17,281 39	5,795 43
Greene, - - -	9,385		
Jackson, - - -	42,820 91	18,497 72	3,807 51
Jauderdale, - - -	41,833 08	13,353	7,737 21
Lawrence, - - -	26,550 01	15,618 71	2,632 55
Limestone, - - -	100,128 47	7,998 92	4,798 22
Macon, - - -	1,500		
Marshall, - - -	22,144 60	30,658 84	6,214 15
Madison, - - -	753,864 55	16,091 51	47,054 90
Morgan, - - -	8,851 10	13,910 17	910 52
Marengo, - - -	43,894 27		240
Mobile, - - -	1,650		6,500
Perry, - - -	4,746 92		
Randolph, - - -		612	513 75
St. Clair, - - -	2,697 02	5,418 31	896 13
Shelby, - - -	420 08		
Sumter, - - -	5,463 03		
Talladega, - - -	23,931 30	5,527 01	597

Tuscaloosa, - - -	1,223 60		
Washington, - - -	3,150		
Walker, - - -		4,531	
States { Mississippi, - - -	3,417 43	4,410 37	677 28
{ Tennessee, - - -	5,019 52		338 54
{ Pennsylvania, - - -			2
	<u>\$1,218,217 13</u>	<u>\$188,424 07</u>	<u>\$93,511 72</u>

Classification of the Indebtedness of each County to the Branch Bank at Decatur.

COUNTIES.	GOOD.	BAD.	DOUBTFUL.
Blount, - - -	62,420 24	55,633 92	1,571 90
Benton, - - -	13,822 32	13,246 95	2,743 36
Bibb, - - -		1,000	
Cherokee, - - -	1,277 83	13,145 83	1,948 79
Coosa, - - -	7,033 38		
De Kalb, - - -	9,104 46	15,060 83	1,088 99
Fayette, - - -	1,152		76
Franklin, - - -	155,819 21	238,556 59	56,081 46
Greene, - - -	10,771	129	
Jackson, - - -	41,748 89	95,160 82	17,047 36
Jefferson, - - -	940	2,024 82	
Lauderdale, - - -	149,926 42	37,050 09	6,096 97
Lawrence, - - -	541,439 83	171,398 29	98,065 14
Limestone, - - -	177,337 46	145,066 99	14,372 74
Lowndes, - - -		5,000	118 91
Marshall, - - -	9,567 94	88,196 53	9,325 74
Madison, - - -	72,849 50	67,062 38	4,002 29
Morgan, - - -	135,744 64	184,591 09	10,507 86
Marion, - - -	7,788 67	28,581 17	625 59
Marengo, - - -	232		
Mobile, - - -	6,134 03		
Perry, - - -	295 30		
Pickens, - - -	7,392 10		
Randolph, - - -	5,370 86	4,328 38	300
St. Clair, - - -	3,607 77	16,604 30	687 53
Shelby, - - -	2,000		
Sumter, - - -	18,650 29	14,513 05	792 79
Talladega, - - -	35,358 67	21,195 85	451 67
Tuscaloosa, - - -	4,444 93	14,940 36	385 26
Walker, - - -	1,936 09	2,846 56	5,766 62
Mississippi, - - -	24,417 08		41,285 38
Tennessee, - - -			2,343 14
	<u>\$1,538,582 91</u>	<u>\$1,235,333 80</u>	<u>\$275,685 48</u>

Classification of the indebtedness of each county to the Branch Bank at Montgomery.

COUNTIES.			GOOD.	BAD.	DOUBTFUL.
Autauga,	-	-	\$170,715 83	\$106,804 08	\$49,860 82
Benton,	-	-	24,896 78	24,222 41	3,816 72
Barbour,	-	-	62,514 86	40,110 84	10,418 66
Bibb,	-	-		600 00	
Butler,	-	-	49,772 00	56,776 63	13,084 85
Chambers,	-	-	70,046 98	18,486 64	7,406 25
Clarke,	-	-	1,700 00		
Conecuh,	-	-	224 31	2,850 00	
Coosa,	-	-	31,792 36	21,305 94	47,135 12
Dale,	-	-	18,997 16	17,567 50	2,844 74
Dallas,	-	-	86,819 14	10,307 63	11,410 96
Henry,	-	-	27,633 47	5,990 49	3,904 67
Lowndes,	-	-	281,774 59	104,392 51	26,858 20
Macon,	-	-	92,345 82	16,834 85	76,166 73
Mobile,	-	-	2,362 80	1,536 68	11,365 51
Montgomery,	-	-	703,308 05	241,896 82	119,797 09
Monroe,	-	-	13,132 38	2,000 00	
Perry,	-	-	1,119 61		
Pickens,	-	-		2,420 80	
Pike,	-	-	35,198 11	14,743 72	19,014 42
Randolph,	-	-	5,847 90	7,051 91	3,373 42
Russell,	-	-	50,830 33	8,451 58	7,874 70
St. Clair,	-	-	256 19		
Shelby,	-	-	26,533 48	8,551 07	73 09
Sumter,	-	-	657 56		
Talladega,	-	-	77,522 82	19,839 90	5,145 78
Tallapoosa,	-	-	18,038 07	13,289 49	5,846 40
Washington,	-	-	2,585 50		
Wilcox,	-	-	49,145 89	14,055 59	4,507 68
Georgia,	-	-			7,652 05
Promiscuous,	-	-	36,531 25	5,925 00	2,000 00
			\$1,937,303 24	\$766,012 08	\$439,557 86

Classification of the indebtedness of each county to the Branch Bank at Mobile.

COUNTIES.			Good.	Bad.	Doubtful.
Autauga,	-	-	42,398 08	70,144 36	14,107 56
Blount,	-	-	1,231 75	738 32	
Benton,	-	-	450 59	12,317 09	1,844 62
Barbour,	-	-	470		
Baldwin,	-	-	32,656 50	1,400	

			21,812 54	9,748 18	6,928 03
Bibb,	-	-	5,941 84	17,272 43	
Butler,	-	-		3,332 22	
Chambers,	-	-	165,194 07	10,646 98	21,120 61
Clarke,	-	-	48,296 20	5,613 92	7,499 75
Conecuh,	-	-	1,388		1,000
Coosa,	-	-	2,856 27		1,334
Covington,	-	-	218,812 68	5,950 11	49,315 72
Dallas,	-	-		2,227 30	
Fayette,	-	-	225,333 45	27,001 14	89,299 95
Greene,	-	-	4,842 70	3,445 77	
Jefferson,	-	-	4,993 42	14,001 87	4,208 72
Lawrence,	-	-	5,000	697 57	
Limestone,	-	-	103,835 08	34,117 41	6,171
Lowndes,	-	-		2,015 06	
Marshall,	-	-	3,237	6,043 34	
Madison,	-	-	5,739	1,750	
Macon,	-	-	205,197 88	111,213 58	40,297 39
Marengo,	-	-	888,012 86	1,234,289 48	562,684
Mobile,	-	-	48,770 46	95,434 54	3,578 48
Montgomery,	-	-	91,372 97	42,656	5,248 29
Monroe,	-	-	212,810 03	71,628 61	14,381 55
Perry,	-	-	61,118 07	8,170 43	4,816 71
Pickens,	-	-		3,000	
Russell,	-	-		2,476 69	
St Clair,	-	-	3,249 15	2,767 29	
Shelby,	-	-	242,474 31	146,128 23	25,304 86
Sumter,	-	-	16,705 85	8,100 94	1,500
Talladega,	-	-	20,698 34	30,907 52	23,541 01
Tuscaloosa,	-	-	62,341 60	20,753 03	9,437 48
Washington,	-	-	77,263 36	39,277 70	34,877
Wilcox,	-	-	6,342	7,751 54	42,646 96
Mississippi,	-	-	17,832 51	21,026 62	18,195 52
Promiscuous,	-	-			
			\$2,848,678 56	\$2,074,045 27	\$ 989,339 21

RECAPITULATION—*Total amount due from each county to the
Bank of the State of Alabama, and its Branches.*

Autauga,	-	-	\$482,343 57
Blount,	-	-	169,490 04
Benton,	-	-	122,406 60
Barbour,	-	-	113,514 36
Baldwin,	-	-	34,056 50
Bibb,	-	-	121,605 75
Butler,	-	-	143,647 75
Cherokee,	-	-	28,272 25
Chambers,	-	-	99,990 09
Clarke,	-	-	209,728 32

Conecuh,	-	-	-	65,614 18
Coosa,	-	-	-	116,725 48
Covington,	-	-	-	4,190 27
De Kalb,	-	-	-	42,330 99
Dale,	-	-	-	39,409 40
Dallas,	-	-	-	444,067 92
Fayette,	-	-	-	57,377 24
Franklin,	-	-	-	563,693 08
Greene,	-	-	-	795,735 20
Henry,	-	-	-	37,848 63
Jackson,	-	-	-	236,003 81
Jefferson,	-	-	-	87,438 72
Lauderdale,	-	-	-	260,159 52
Lawrence,	-	-	-	909,766 19
Limestone,	-	-	-	465,343 37
Lowndes,	-	-	-	579,506 70
Marshall,	-	-	-	189,220 86
Madison,	-	-	-	978,481 73
Morgan,	-	-	-	375,985 38
Marion,	-	-	-	65,279 36
Macon,	-	-	-	193,835 40
Marengo,	-	-	-	595,383 04
Mobile,	-	-	-	2,740,227 24
Montgomery,	-	-	-	1,222,014 44
Monroe,	-	-	-	175,429 64
Perry,	-	-	-	471,145 40
Pickens,	-	-	-	180,304 58
Pike,	-	-	-	72,064 25
Randolph,	-	-	-	27,428 22
Russell,	-	-	-	70,156 61
St. Clair,	-	-	-	49,920 94
Shelby,	-	-	-	74,540 14
Sumter,	-	-	-	663,915 14
Talladega,	-	-	-	273,835 20
Tallapoosa,	-	-	-	37,473 96
Tuscaloosa,	-	-	-	626,827 64
Washington,	-	-	-	100,228 61
Walker,	-	-	-	49,929 77
Wilcox,	-	-	-	274,475 86
University,	-	-	-	64,500 00
Cotton Debt,	-	-	-	351,190 14
STATES { Mississippi,	-	-	-	130,948 04
{ Tennessee,	-	-	-	7,701 20
{ Georgia,	-	-	-	7,652 05
{ Pennsylvania,	-	-	-	2 00
Promiscuous,	-	-	-	101,510 90
				\$16,401,873 77

Condensed statement of the classified debts as in the foregoing tables, to wit:

Total good,	-	-	-	-	\$8,853,135 80
Total bad,	-	-	-	-	5,501,493 16
Total doubtful,	-	-	-	-	2,048,244 81
Making the grand total,	-	-	-	-	\$16,401,873 77

Made out for the joint examining committee, this ninth January, eighteen hundred and forty-three, by

WM. M. MONTGOMERY,
THOMAS P. MITCHELL.

Mr. Phillips, from the judiciary committee, to which was referred the petition of sundry citizens of Lauderdale county, in behalf of N. H. Marks, reported a bill in conformity thereto, and recommended its passage:

A bill to be entitled an act for the relief of Nathaniel H. Marks; was read the first time, and ordered to a second reading.

Mr. Buford, from the select committee, to which was referred a bill to be entitled an act for the relief of Ellison Warren, reported the same back to the Senate, amended as follows: Add after the words "insolvencies" "and errors of assignment;" and thus amended, recommended its passage.

The amendment was adopted, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr. Moores, from the select committee, to which was referred the petition of the commissioners of the sixteenth section, township seventeen, range two, east, in the county of Marengo, reported a bill in accordance with the prayer of the petitioners,—to be entitled an act for the relief of the purchasers of a part of the sixteenth section, in township seventeen, range two, east, in the county of Marengo; which was read the first time, and the constitutional rule being suspended, it was read the second time forthwith, and ordered to be engrossed for a third reading on tomorrow.

Mr. Walker offered a joint resolution, requiring the Secretary of State to furnish the Judges of the Supreme Court with stationery; which was read the first time—

And, on motion of Mr. Hudson, the constitutional rule was suspended, and the joint resolution read forthwith the second time—

And, on motion of Mr. Hudson, amended by the addition of the words "for their use alone."

On motion of Mr. Walker, the rule was further suspended, and the joint resolution received a third reading, and passed.

Mr. McConnell offered the following resolution:

Resolved, That the committee on the State Bank, inquire into the expediency of authorizing the State Bank and Branches to appoint agents to collect, and the better to secure the bad and doubtful debts due said Banks—with leave to report by bill or otherwise; which resolution was adopted.

Mr. McConnell introduced a bill, to be entitled an act for the the relief of John Hill and Thomas H. Brashure; which was read the first time, and ordered to a second reading.

Mr. Toulmin introduced a bill to be entitled, an act to amend an act for the better regulation and management of steamboats; which was read the first time, and ordered to a second reading.

Mr. Buford introduced a preamble and joint resolutions, in relation to banks and currency.

Mr. Oliver moved to lay on the table, and print one hundred and thirty-three copies.

A division of the question was called for; and the sense of the Senate was first taken on the proposition to lay on the table—which was carried, and the motion to print was lost.

A message by Mr. Cuthrell:

Mr. President—The House of Representatives has passed the accompanying bill,—to be entitled, an act concerning the estate of deceased persons. In which, the concurrence of your honorable body is desired.

The bill was then read the first time in the Senate—

And on motion of Mr. Ross, the constitutional rule was suspended, and the bill read the second time, and referred to the judiciary committee with following instructions: “Amend the bill so as to require the Governor to make titles to all purchasers whose full payment has been made.”

Mr. Buford introduced a bill to be entitled, an act to protect goods in remainder; which was read the first time, the rule suspended, read the second time, and referred to the judiciary committee.

Mr. Dailey introduced joint resolutions concerning the school lands in township nineteen, range twenty-five, Macon county; which was read the first time, rule suspended, read the second time, and referred to the judiciary committee.

The Senate then proceeded to the consideration of the orders of the day.

Bills of the following titles were severally read the second time, and ordered to be engrossed for a third reading:

An act to pay certain contracts for teaching common schools:

An act to repeal an act entitled, an act to incorporate the town of Talladega.

Bills of the following titles were then read the second time, and referred to appropriate committees:

An act to repeal the acts establishing separate chancery courts in this State—to the judiciary committee:

An act to provide for the education of indigent children—to the committee on education.

Bills of the following titles were then severally read the third time, and passed:

An act to compensate Daniel M. Forney:

An act providing for the payment of interest on the purchase money of section sixteen, township nineteen, range five, east, in Talladega county:

An act for the relief of Walter Chiles:

An act to pay Goodridge Driver:

And, an act to extend for a certain time, the indebtedness of the purchasers of the sixteenth section, township nineteen, range seven.

To which, Mr. McAllister offered the following amendment—

Section —. *And be it further enacted*, That the provisions of this act shall apply to the purchasers of the sixteenth section, in township seven, of range twenty-eight, in the county of Henry. Adopted.

Mr. Buford offered further to amend, by adding the following—

Section —. *Be it further enacted*, That all the provisions of this act shall extend to, and be applied in favor of the purchasers of the school lands in township nineteen, range twenty-seven, in Russell county.

Mr. Oliver proposed the following amendment to the amendment—

Also, in favor of the purchasers of the school lands in township fifteen, of range seventeen,—and township fourteen, range eighteen, in the county of Montgomery.

Mr. Watkins proposed this further amendment—

Also, in favor of the purchasers of the school lands in township nine, range nine, in Monroe county.

Both of which were accepted by Mr. Buford, and the amended amendment was adopted.

And, on motion of Mr. Walthall, the rule being suspended, the bill was read the third time forthwith, and passed.

Ordered, that the titles of the foregoing bills remain unchanged.

An act to repeal in part the act appropriating two hundred thousand dollars annually in aid of sixteenth sections; was read the second time, and ordered to a third reading:

This completed the orders of the day.

(Mr. Hunter in the Chair.) Mr. Rodgers moved to reconsider the vote taken on yesterday, on ordering to be engrossed the bill entitled, an act the better to secure and extend the debts due the Bank of the State of Alabama, and its several Branches.

The vote to reconsider was, on motion of Mr. Hudson, postponed till Monday next.

Mr. Ross reported, that the committee on enrolled bills, had examined and found correctly enrolled—a bill, to be entitled an act for the relief of Abel Pool.

Mr. Terry introduced joint resolutions, authorizing the purchase of chairs for the Supreme Court room; which were read the first time, rule suspended, read the second time, and ordered to be engrossed for a third reading.

Mr. Hudson offered the following resolution:

Resolved, That the committee on education, be instructed to inquire into the expediency of passing a law authorizing the commissioners of the sixteenth sections of the several townships in this State, to draw from the State Bank and the several Branch Banks, all notes and moneys which may be due them from said Bank and Branches,—with leave to report by bill or otherwise.

Which resolution was adopted.

On motion of Mr. Terry, the petition of citizens of Limestone county,

together with the report of the committee on education,—which were yesterday laid on the table; were taken up and referred to the judiciary committee.

On motion of Mr. King, the Senate adjourned till ten o'clock, to-morrow.

SATURDAY, January 14th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Toulmin, from the State Bank committee, to which was referred a bill entitled an act to remove the Branches of the Bank of the State of Alabama, to the mother Bank, and to require the resumption of specie payments and for other purposes, reported the same back to the Senate, and asked to be discharged from the further consideration hereof.

Whereupon, the committee was discharged.

Mr. Dailey introduced a bill to be entitled an act to repeal in part an act regulating punishments under the Penitentiary system, and for other purposes; which was read the first time and ordered to a second reading.

Mr. Rodgers introduced a bill to be entitled an act to regulate the Bank of the State of Alabama and the Branches at Huntsville and Montgomery; which was read the first time.

Mr. Toulmin moved to suspend the constitutional rule; which the Senate refused.

So the bill was ordered to a second reading on to-morrow.

Mr. Dailey introduced a bill entitled an act to incorporate the town of Goldville, in Tallapoosa county; which was read the first time and ordered to a second reading.

Mr. King introduced a bill entitled an act to encourage the manufacture of bagging and rope, within the State of Alabama; which was read the first time and ordered to a second reading.

Mr. Phillips introduced a bill entitled an act explanatory of an act for the relief of Cassandra Kelly; which was read the first time and ordered to a second reading.

Mr. Phillips presented the petition of James W. and C. Keely; which was referred to the judiciary committee.

Mr. McConnell laid before the Senate a communication from the Warden of the Penitentiary; which was referred to the committee on the judiciary.

Mr. McConnell offered the following resolution:

Resolved, That the committee on the judiciary inquire into the expediency of so amending the law regulating divorces, when the party was *inciente*, or otherwise morally disqualified to contract, with leave to report by bill or otherwise.

Which was adopted.

Bills of the following titles were severally read the second time and ordered to be engrossed:

An act for the relief of Nathaniel Marks:

An act for the relief of John Hill and Thomas H. Brashure:

An act to amend an act for the better regulation and management of steamboats.

Bills of the following titles were severally read the third time and passed:

An act for the relief of Ellison Warren:

An act for the relief of the purchasers of a portion of the sixteenth section, in township seventeen, range two, east, in the county of Maringo:

An act to repeal an act entitled an act to incorporate the town of Talladega:

An act to pay certain contracts for teaching common schools.

On the passage of this bill, the yeas and nays were demanded:

YEAS—messrs. President, Baylor, Brindley, Creagh, Dailey, Dent, Fleming, Foster, McAllister, McClanahan, McConnell, McVay, Reese, Rodgers, Walker, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Hudson, Hunter, Jones, Moores, Oliver, Phillips, Ross and Toulmin.

An act to repeal in part the act appropriating two hundred thousand dollars annually in aid of the sixteenth sections.

Mr. McClanahan moved to lay the bill on the table, and called for the yeas and nays:

YEAS—messrs. President, Baylor, Brindley, Fleming, Foster, McClanahan, McConnell, McVay, Reese, Rodgers, Walker, Watrous and Wilson of J.

NAYS—messrs. Arrington, Creagh, Dailey, Dent, Hudson, Hunter, Jones, King, McAllister, Moores, Oliver, Phillips, Ross, Toulmin, Walthall, Watkins and Wilson of F.

So the Senate refused to lay the bill on the table.

Mr. Walker offered the following amendment, as an engrossed ryder: "*Provided*, That nothing in this act shall be so construed as to prevent the Banks from paying out all sums upon a proper showing, under contracts heretofore made under the act, which this bill proposes to repeal.

To which, Mr. Phillips offered the following amendment: "*And provided further*, that they have the funds."

The yeas and nays were called for:

YEAS—messrs. Buford, Creagh, Hudson, Hunter, King, Oliver, Phillips, Ross and Walthall.

NAYS—messrs. President, Arrington, Baylor, Brindley, Dailey, Dent, Fleming, Foster, Jones, McAllister, McClanahan, McConnell, McVay, Reese, Rodgers, Toulmin, Walker, Watrous, Wilson of F. and Wilson of J.

So Mr. Phillips' amendment was lost.

Mr. King then offered the following amendment: "*And provided further*, that no Bank shall be required to pay out more than its proportion in respect to its capital stock."

Mr. Creagh demanded the previous question, and called for the yeas and nays:

YEAS—messrs. Arrington, Creagh, Hudson, Hunter, Jones, King, McAllister, Oliver, Phillips, Ross, Toulmin, Walthall, Watrous and Wilson of F.

NAYS—messrs. President, Baylor, Brindley, Dailey, Dent, Fleming, Foster, McClanahan, McConnell, McVay, Moores, Reese, Rodgers, Walker and Wilson of J.

So the call for the previous question was not sustained.

The yeas and nays were then called for on the adoption of Mr. King's amendment:

YEAS—messrs. Arrington, Buford, Creagh, Hudson, Hunter, Jones, King, McClanahan, McVay, Oliver, Phillips, Ross, Toulmin, Walthall, and Wilson of F.

NAYS—messrs. President, Baylor, Brindley, Dailey, Dent, Fleming, Foster, McAllister, McConnell, Reese, Rodgers, Walker, Watkins, Watrous and Wilson of J.

So Mr. King's amendment was lost.

Mr. Buford then offered the following amendment: "*Provided further, that no moneys shall be paid, if the necessity for taxation is thereby increased.*" Which was lost.

The question then arose on the adoption of Mr. Walker's amendment.

Mr. President said that as an engrossed ryder, it must be read three times.

From which decision, Mr. Phillips appealed; and the chair was sustained by the Senate.

The engrossed ryder then received its second and third reading and was adopted by the following vote:

YEAS—messrs. President, Baylor, Brindley, Dailey, Dent, Fleming, Foster, McAllister, McClanahan, McConnell, Reese, Rodgers, Walker, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Buford, Creagh, Hudson, Hunter, Jones, King, McVay, Moores, Oliver, Phillips, Ross, Toulmin, Walthall, and Watkins.

Mr. Rodgers then called for the yeas and nays on the passage of the bill:

YEAS—messrs. President, Arrington, Baylor, Creagh, Dent, Fleming, Hudson, Hunter, Jones, King, McAllister, Moore, Oliver, Phillips, Ross, Toulmin, Walthall, Watkins and Wilson of F.—19.

NAYS—messrs. Brindley, Buford, Dailey, Foster, McClanahan, McConnell, McVay, Reese, Rodgers, Walker, Watrous and Wilson of F.—12.

And joint resolutions, authorizing the purchase of chairs for the Supreme Court room.

Ordered, that the titles to the foregoing bills and joint resolutions remain unchanged.

This completed the orders of the day.

Mr. Hudson, from the committee on accounts and claims, to which was referred the claim of B. M. Bradford and Jack Shackelford, reported a bill covering the premises and recommended its passage:

A bill to be entitled an act, for the relief of B. M. Bradford and Jack

Shackleford, was then read the first time, and on motion of Mr. Hudson, the constitutional rule was suspended—the bill read the second time, and ordered to be engrossed for a third reading.

Mr. Jones introduced a bill, to be entitled an act, to put in liquidation the Branch of the Bank of the State of Alabama at Montgomery, and desired the yeas and nays on ordering the bill to a second reading:

YEAS—messrs. President, Brindley, Dailey, Fleming, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Walker, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Baylor, Creagh, Dent, Foster, Ross, Toulmin and Walthall.

So the bill was ordered to a second reading.

Mr. Jones introduced a bill, to be entitled an act, to put in liquidation the Branch of the Bank of the State of Alabama at Huntsville, and desired the yeas and nays on ordering it to a second reading:

YEAS—messrs. Brindley, Dailey, Fleming, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Walker, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. President, Arrington, Baylor, Creagh, Dent, Foster, Ross, Toulmin and Walthall.

So the bill was ordered to a second reading on to-morrow.

Mr. Hudson offered the following resolution:

Resolved, That the Chairman of the committee on the State Bank be instructed to obtain from the Cashier of the Branch of the Bank of the State of Alabama at Mobile, a full and particular statement of all new discounts made since the twenty-fifth day of November, one thousand eight hundred and forty-two, by note or purchase of bills of exchange; in each case, giving the names of the principal, indorser and acceptor. Also, where the bills are payable, and when the notes fall due, and to whose credit the proceeds were placed.

And Resolved further, That the Cashier furnish a copy of all resolutions adopted by the board of President and Directors; whether in relation to the management of the Bank, the payment of money for extra allowances, or any other matter—which resolutions was adopted.

Mr. Toulmin offered the following:

Resolved, That five members of the State Bank committee constitute a quorum, to transact business for the remainder of the present session of the legislature—which was adopted.

Mr. Hudson offered the following:

Resolved, That for the remainder of this session, four members of the committee on accounts and claims shall constitute a quorum for the transaction of business.

On motion of Mr. Moores, certain resolutions offered by him on the ninth instant, calling on the Cashier of the State Bank and the several Branches, for information relative to the debts in suit, &c., were taken from the table, and placed among the orders for to-morrow.

Mr. Dailey presented the petition of sundry citizens of Tallapoosa

county, praying the establishment of a precinct at Goldville; which was referred to the committee on privileges and elections.
Then, on motion of Mr. Baylor, the Senate adjourned till ten o'clock, Monday next.

MONDAY, January 16, 1843.

The Senate met pursuant to adjournment.

When the minutes were about to be read, Mr. King announced to the Senate the demise of the Hon. Reuben Gardner, Esq., late a member of the House of Representatives from Pickens county, and offered the following resolutions:

Whereas, The Senate has been informed of the death of Reuben Gardner, Esq., a member of the House of Representatives, at his residence, in Pickens county, on Thursday the twelfth instant:

Be it therefore resolved, That this Senate deeply deplore the death of Reuben Gardner, Esq., a member of the House of Representatives from Pickens county:

Resolved, That we sympathize with his family in the misfortune that has befallen them in this painful dispensation of providence.

Resolved, That the President of the Senate transmit a copy of these resolutions to the family of the deceased.

Resolved, That the doockeeper furnish the members of the Senate with the usual badge of mourning, and that the same be worn for thirty days.

Resolved, That the Senate do now adjourn till ten o'clock, to-morrow morning.

Mr. Creagh arose and intimated his desire to reconsider the vote taken on Saturday, on the passage of the bill, entitled an act, to repeal in part the act appropriating two hundred thousand dollars annually, in aid of sixteen sections; as also the vote adopting the amendment offered by Mr. Walker, as an engrossed rider to said bill.

Motions to this effect were made, and on motion of Mr. McConnell, the vote on reconsidering was postponed till to-morrow.

The Senate then adopted, by a unanimous vote, the foregoing resolutions offered by Mr. King; and Mr. President declared the Senate adjourned till ten o'clock, to-morrow.

TUESDAY, January 17th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday and of Saturday were read and approved.

Mr. Creagh presented the account of Isham Kimbell; which was referred to the committee on accounts and claims.

Mr. Walker, from the judiciary committee, to which was referred a resolution of inquiry into the expediency of passing a law the better to secure rents; reported a bill and recommended its passage:

A bill to be entitled an act, the better to secure rents, was read the first time and ordered to a second reading.

Mr. Jones, from the judiciary committee, to which was referred a bill to be entitled an act, to impose additional duties on the Secretary of State

and clerks of the several county courts, &c , reported the same back to the Senate, and recommended its passage.

The bill was read, and ordered to be engrossed for a third reading.

Mr. Phillips, from the the judiciary committee, to which was referred the petition of sandry citizens of township four, range three, in the county of Limestone, reported a bill covering the prayer of the petitioners, and recommended its passage.

A bill, to be entitled an act, to authorize the investment of the school fund of township four, range three in the county of Limestone, was read the first time, the constitutional rule was suspended—the bill read the second time, and ordered to be engrossed for a third reading.

Mr. Phillips, from the same committee, to which was referred a bill, to be entitled an act, to provide a remedy against the estates of deceased persons, and to provide for the service of process upon executors, administrators and guardians, in certain cases; reported, that it is inexpedient to pass the same—which report was concurred in.

Mr. Phillips, from the same committee, to which was referred a bill to be entitled an act to protect goods in remainder, reported that the law now in force sufficiently provides for the case contemplated by said bill; and there is, in the opinion of the committee, no necessity for passing it; which report was concurred in.

Mr. Phillips, from the same committee, to which was referred a bill to be entitled an act to repeal the acts establishing separate chancery courts in this State, reported that it is inexpedient to pass the same.

On motion of Mr. McConnell, the bill and report were laid on the table.

Mr. Phillips, from the judiciary committee, to which was referred the petition of Joseph R. Biddle and others, praying for the authority to enter upon and take possession of certain school lands—also, a joint resolution on the same subject—reported the same back to the Senate, and recommended that they be referred to the committee on education.

The report was concurred in; and the aforesaid documents placed in the hands of the committee on education.

Mr. Phillips, from the same committee, to which was referred a resolution upon the subject of amending the laws in relation to the estates of deceased persons, reported a bill and recommended its passage:

A bill to be entitled an act amendatory of the laws in relation to the estates of deceased persons, was read the first time, and ordered to a second reading.

Mr. Phillips, from the same committee, to which was referred a bill to be entitled an act concerning the estates of deceased persons, reported the same back to the Senate, amended as follows, to come in at the end of section one:

“*Provided*, that the lands, in such cases, shall be liable to the creditors of the ancestor, in the same manner as if title had been perfected during his or her life.”

The amendment was adopted, and the bill ordered to a third reading on to morrow.

Mr. Wilson of J. from the committee on roads, bridges and ferries,

which was referred the petition of sundry citizens of Shelby county, praying the passage of a law to authorize them to open a certain road in Shelby county, reported a bill to be entitled an act to establish a certain road in Shelby county; which was read the first time, and on motion of Mr. Watrous, the constitutional rule was dispensed with, the bill read the second time, and ordered to be engrossed.

Mr. McConnell, from the judiciary committee, to which was referred a bill to be entitled an act for the relief of Frances McCoy, reported the same back to the Senate without amendment, and recommended its passage.

The bill was read, and ordered to be engrossed.

A message by Col. Garrett, Secretary of State:

EXECUTIVE DEPARTMENT, }

TUSCALOOSA, Jan. 14, 1843. }

Sir—I have the honor to inform the Senate, that a vacancy has occurred in the office of judge of the city court of Wetumpka.

BEN. FITZPATRICK.

Hon. NATHANIEL TERRY, *President of the Senate.*

Mr. Baylor, from the committee on education, made the following report:

The committee on education have been instructed to inquire into, and report to the Senate, the causes which have tended to retard the prosperity of the University of Alabama. The report of the Board of Trustees, and also a bill to be entitled an act in relation to the Trustees of the University of Alabama, and for other purposes, have been referred to the same committee. Each of these matters has received the careful attention of the committee, from which their intimate connection has been perceived; and the committee ask leave of the Senate to present their views upon the several subjects referred, in a consolidated report.

The inquiry under the first branch above referred to, would naturally arise, as to what are the causes which have tended to retard the prosperity of the University, if any there be; and secondly, is the University in such condition as could be reasonably expected from its means, taken in connection with surrounding circumstances.

Persuaded, as the committee are, that the resolution emanated from an unfriendly quarter, and that it was intended to institute such an inquiry into the affairs of this institution, as would be calculated to elicit the truth as to its condition, rather than to throw doubts around the subject—they have sought rather to embody such information as would be calculated to disabuse the public mind of the false impressions that may have been created, than to take it for granted that there are *any causes* which have tended to retard the progress of the institution. It is from considerations of this kind, that the committee have felt it to be in accordance with the duties imposed upon them, to go into a more extended inquiry than the resolution would seem to impose; and they have, in consequence, through their chairman, addressed a letter to the Faculty of the University—the reply to which, is herewith submitted.

Of this communication, the committee feel themselves called upon to

speaking; and if the facts therein embodied are true, (and the committee see no cause to doubt them,) the Senate, and the community at large, may rest assured that the University of Alabama is in as prosperous a condition as could be reasonably expected. That the University might not have been more prosperous, the committee will not assert; more especially, if the requirements of the constitution of the State of Alabama had been constantly held in view, and the importance of the subject of education considered of that paramount value which the framers of that instrument considered it to be. It is only by a continued recurrence to the fundamental doctrines of government—by keeping constantly in view the cardinal principles of action, as established by the people, in their sovereign capacity, that we can expect to arrive at practical and useful results.

In relation to the subjects presented for the consideration of the committee, the constitution provides that “Schools and the means of education *shall* forever be encouraged in this State; and the General Assembly *shall take measures* to preserve from unnecessary waste or damage such lands as are, or may hereafter be, granted by the United States for the use of schools within each township of the State, and apply the funds which may be raised from such lands in strict conformity to the object of such grant. The General Assembly *shall* take like measures for the improvement of such lands as have been, or may be, hereafter granted by the United States to this State, for the support of *a seminary of learning*; and the moneys which may be raised from such lands by rent, lease or sale, or from any other quarter for the purpose aforesaid, shall be and remain a fund for the exclusive support of a State University, for the promotion of *the arts, literature, and the sciences*; and it shall be the duty of the General Assembly, as early as may be, to provide effectual means for the improvement and permanent security of the funds and endowments of such institution.”

Impressed as the committee are with the solemn obligations imposed upon them, and the body of which they are constituent members, by the law just recited; and advised of the fact that the subject of education is deemed of the last importance, not only by the Congress of the United States, (as evidenced by its munificent endowments of schools and colleges,) but by all the enlightened nations of the world, the Committee do not feel that it is incumbent on them to enter into any elaborate advocacy of the cause of education. Let it suffice to say that it is now reduced to an axiom, that ignorance is the parent of vice; and if this position needed any illustration, we have only to resort to the statistics of crime in France, from which it is clearly shown that there is a constant increase of crime as you descend from the higher to the lower grades of intellectual cultivation. If this be true, the conclusion is irresistible, that in a government constituted as ours is, where the supreme power is exercised by the great mass of the community, too much importance cannot be attached to the subject under consideration.

In the extended view which the committee have deemed it advisable to take of the subject, the question necessarily arose, is the maintenance of an institution for the promotion of the arts, literature and the sciences,

means of obtaining the desired results? Upon this branch of subject, as well as upon several others, the committee take pleasure in acknowledging that they have received many valuable suggestions from the response of the Faculty hereto appended, which speaks for itself, in so emphatic a manner as to be worthy of all praise; and they cannot otherwise express their approbation of this document than to commend to the Senate that one thousand copies be printed, together with this report, for dissemination amongst the people.

The committee have no available means from which they can ascertain the standing in scholarship of the under-graduates of the University; nor can a comparison be easily made in this respect, with similar institutions in other States. If, however, we are to judge of the results thus far attained, by the position occupied by the Alumni of the University at the Bar, and in our Legislative councils, we cannot but be persuaded that much good has already been done, and that we may look with confidence to the future. Resorting however to every means of information in the power of the Committee, they are persuaded that even numbers, (the most fallacious criterion,) be resorted to, the condition of our University, when compared with others, as shewn in the American Almanac, for the past year, will be found to be equal to any of its peers in the Union, and even superior to many of older standing.

When, too, it is considered that we are laboring under all the prejudices attached to a new country, and that the predilections of parents and guardians would naturally cause them to prefer the institutions in which they themselves received their education, it is rather a matter of surprise that the University has sustained itself so well. Another, and perhaps the most prominent cause for the retardation of this institution may be found in the want of preparatory schools, which portion of the system of education seems to be deemed alone worthy of public support. But how, we ask, are preparatory schools to be taught without teachers, and how are we to obtain these without either resorting to our own or to foreign Universities.

If, in short, we are to preserve amongst ourselves the means of intercommunication with the great continental institutions of learning, of itself an invaluable means of disseminating information, and if we are determined to maintain a fountain of learning calculated to preserve and perpetuate the means of education, the policy of vigorously sustaining our University no longer remains questionable.

The committee are aware that puny political aspirants have occasionally assailed this institution upon the ground that it was for the education of the rich, and that the poor derived no advantage from it. This is a foolish or ignorant mistake, for ample provision is already made in the finances of the Board of Trustees that "one student from each county in the State, if of good character and straitened circumstances, can receive his education free of the charges paid by others to the University for tuition and contingencies—provided he is prepared to join some regular class."

Only three of the students now at the University have applied for admission under this most beneficial provision.

Science never dawned in its purity upon any land without benefitting alike the rich and the poor; and its lovers have always justly been esteemed the benefactors of their kind without distinction of persons.

When, then, it is perceived that learning must *descend* from the better informed to those less so, the unjust prejudices against this institution must recoil upon those who entertain them, with a force that must ultimately cause them to shrink into their native insignificance.

That the University of Alabama is under the guidance of an able Faculty, the Committee have, independent of the evidence above referred to, the concurring testimony of the Board of Trustees; and to this may be superadded the comparative condition of this institution under the present auspicious administration of the Faculty, contrasted with what it has heretofore been. Its march is evidently onward; and it needs but the fostering care of the Legislature, to become one of the most distinguished literary institutions of the country.

From the report of the Trustees, the Committee learn that the financial affairs of the institution are not in so prosperous a condition as could be desired. It would seem that there have been expenditures made which trench upon the capital stock, contrary to the radical laws for the government of the fund. This is attributable in part to legislative enactments, by which the purchasers of the University lands have been released from their contracts to the manifest detriment of the institution; and it now rests with the General Assembly to adjust a settlement between the University and the State Bank upon such equitable principles as may seem just and proper.

The Committee have also come to the conclusion that there are radical defects in the organization of the board of trustees, and after mature deliberation they have prepared, and herewith submit, a substitute for the bill, which has been referred to them upon that subject, the passage of which is recommended.

W. K. BAYLOR, Chairman.

(Mr. Hudson in the chair.)

The report of the committee was concurred in, and the substitute bill offered by the committee, to be entitled an act for the better organization of the Board of Trustees for the University of Alabama, was read, and Mr. Terry moved to strike out the word "thirty," from the last line of the fourth section, and insert in lieu thereof, "twenty-seven."

YEAS—messrs. President, Arrington, Dailey, Dent, Fleming, Oliver, Rodgers and Wilson of J.

NAYS—messrs. Baylor, Brindley, Creagh, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Phillips, Reese, Ross, Thornton, Toulmin, Walker, Watkins and Watrous.

So the Senate refused to strike out "thirty," and the bill was then ordered to be engrossed for a third reading, to-morrow.

Mr. Jones, from the select committee, to which was referred a bill to be entitled an act to authorize a stay of execution, where specie shall be demanded, and for other purposes—reported the same back to the Senate, with the following amendments:

In the first section, tenth line, strike out the words "par value," and

insert nominal amount"—in the twelfth line, same section, insert after the word "right," "when a levy shall be made on his property"—in the third section, strike out "or within ten days thereafter, it shall be the duty of the sheriff or other officer to demand the said property of the said defendant," and insert in lieu thereof, "the defendant shall deliver the said property to the officer aforesaid, or to his successor in office, according to the tenor of the bond: *Provided*, the money shall not have been paid"—at the close of the fourth section, add, "but upon the plaintiff's acceptance of the tender aforesaid, the right of the senior execution shall enure to the junior claimant, subject to the provisions of this act"—in the second line of the sixth section, insert after the word "act," "shall be considered a remedial, and shall be liberally construed and"—

Mr. Terry called for the yeas and nays, on the adoption of the amendments:

YEAS—messrs. Baylor, Brindley, Dent, Fleming, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, Oliver, Rodgers, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. President, Creagh, Dailey, Hunter, McVay, Phillips, Reese, Ross, Thornton, Toulmin and Walker.

So the amendments were adopted.

The question recurring on ordering the bill to be engrossed, the yeas and nays were called for.

YEAS—messrs. Arrington, Baylor, Brindley, Dent, Fleming, Foster, Hudson, Jones, King, McAllister, McConnell, Moores, Oliver, Rodgers, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. President, Creagh, Dailey, Hunter, McClanahan, McVay, Phillips, Reese, Ross, Thornton, Toulmin and Walker.

So the bill was ordered to be engrossed for a third reading, on to-morrow.

Mr. Fleming, from the select committee, to which was referred a bill to be entitled an act, to reduce the compensation of the officers of the General Assembly of the State of Alabama, made the following report:

After the attentive examination of the subject, the committee have unanimously come to the conclusion that it is inexpedient to legislate on the subject—a variety of considerations have combined to produce this conclusion, some of which are, that the present per diem pay was established in 1821, a period of unusual depression in the monetary affairs of the country, and when board and other necessary expenses were comparatively cheap to what they are at present, that the duties of the officers especially, are onerous and responsible in a high degree—and require more than an ordinary share of care and capacity, (and we are happy to add that the present incumbents in both branches of this General Assembly, are faithful and efficient,) that the laborer is worthy of his hire, is an adage of approved antiquity, and we believe of incontestible truth, and that the wisest policy is, not to employ him who will undertake the work for less, but him who will do it the best.

The interest of the public surely cannot require that the pay of members of the General Assembly, should be reduced to just sufficient to de-

fray the cost of eating and sleeping—a number of other expenses necessarily incident to his public position must be taken into consideration, which it is unnecessary here to enumerate, but which are equally indispensable to his own respectability and that of his constituents. Muzzle not the ox that treadeth out the grain, is the language of gratitude and of justice. With this expression of their views, your committee beg leave to be discharged from the further consideration of the subject.

The yeas and nays were called for on the adoption of the report:

YEAS—messrs. President, Baylor, Fleming, Foster, Hudson, Hunter, Jones, McAllister, McClanahan, Moores, Oliver, Rodgers, Ross, Thornton, Toulmin, Wilson of F. and Wilson of J.

NAYS—messrs Brindley, Creagh, Dailey, Dent, King, McConnell McVay, Phillips, Reese, and Watkins.

So the Senate concurred in the report, and the committee was discharged.

Mr. McConnell offered the following resolution:

Resolved, That the committee on retrenchment, enquire into the expediency of allowing the clerk of the Supreme Court a specific salary for his services, and of appropriating the fees of said office to the State Treasury, with leave to report by bill or otherwise.

Which was adopted.

Mr. Terry introduced joint resolutions and preamble in relation to the traffic in bills of exchange by the State Bank and Branches; which were read the first time.

Mr. Terry asked for a suspension of the constitutional rule, which was refused, and the joint resolutions ordered to a second reading on to-morrow.

The chair announced the hour of twelve o'clock, whereupon the special orders (Mr. Walthall's resolution, and the bill subjecting the several Branches of the Bank of the State of Alabama to the control of the mother Bank) were each postponed till twelve o'clock to-morrow, and made the special order for that hour.

Mr. Dent introduced a bill to be entitled an act, to incorporate the town of New Lexington, in the county of Tuscaloosa; which was read the first time, and ordered to a second reading.

Mr. McConnell introduced a bill, to be entitled an act, in relation to the estate of John White, deceased—which was read the first time—the constitutional rule suspended—read the second time, and referred to the committee on the judiciary.

Mr. Wilson of J. introduced preamble and joint resolutions, proposing an amendment to the constitution, on the establishment of Banks; which were read the first time, and ordered to a second reading.

Mr. Terry offered the following resolution:

Resolved, That the committee on the State printing be instructed to inquire into the expediency of having an index to the Journals, as well as the acts of the General Assembly, and report the result of their deliberations at as early a day as practicable; which was adopted.

Mr. McAllister offered the following resolution:

Resolved, That the committee on the judiciary inquire into the expe-

Agency of providing by law, for the substitution of the Court papers and records of the Circuit Court of Henry county, which were destroyed by fire—which resolution was adopted.

Mr. Toulmin introduced joint resolutions and preamble of the Senate and House of Representatives of the State of Alabama in General Assembly convened, in regard to the payment of interest on the public debt.

On motion of Mr. Oliver, the constitutional rule was suspended—the joint resolutions read the second time, and referred to the committee on the State Bank.

Mr. Creagh introduced a bill, to be entitled an act, to confirm the emancipation of a certain slave therein named—which was read the first time, and ordered to a second reading on to-morrow.

Mr. Thornton introduced a bill, to be entitled an act, to regulate suits against the Bank of the State of Alabama, or any of the Branches thereof—which was read the first time—the rule suspended—read the second time, and referred the committee on the judiciary.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed the accompanying bill, to be entitled an act, to divorce Mariah Booth from her husband, George W. Booth; in which the concurrence of the Senate is requested.

The bill was read the first time in the Senate, and on motion of Mr. Phillips, the rule was suspended—the bill read the second time, and referred to the committee on divorce and alimony.

The Senate then proceeded to the consideration of the orders of the day.

The first in order, was the bill to be entitled an act, the better to secure and extend the debts due the Bank of the State of Alabama and its several Branches.

The vote given on the twelfth instant, on ordering this bill to be engrossed, was reconsidered, and the Senate ordered the bill to be engrossed for a third reading on to-morrow.

The Senate refused to reconsider the vote given on Saturday last, on the passage of the bill to be entitled, an act to repeal in part the act appropriating two hundred thousand dollars annually, in aid of the sixteenth sections.

Bills of the following titles, were severally read the second time, and ordered to be engrossed for a third reading on to-morrow:

An act to incorporate the town of Goldville, in Tallapoosa county:

And an act explanatory of an act for the relief of Cassandra Kelly.

Bills of the following titles, were severally read the second time, and referred to the appropriate committees:

An act to repeal in part an act regulating punishments under the Penitentiary system, and for other purposes, referred to the judiciary committee:

An act to regulate the Bank of the State of Alabama, and the Branch at Huntsville and Montgomery, referred to State Bank committee:

An act to encourage the manufacture of bagging and rope, within the State of Alabama, referred to the committee on internal improvement and land navigation:

An act for the relief of John Hill and Thomas H. Brashure, as commissioners of the Coosa river, referred to the committee on internal improvement and inland navigation:

An act to put in liquidation the Branch of the Bank of the State of Alabama, at Huntsville:

And an act to put in liquidation the Branch of the Bank of the State of Alabama, at Montgomery, referred to the committee on the State Bank, with instructions so to amend these bills, as to make them correspond with similar bills which passed the Senate, for the regulation of the Branches at Decatur and Mobile.

Bills of the following titles, were then severally read the third time, and passed:

An act for the relief of Nathaniel H. Marks:

An act to amend an act, for the better regulation and management of steamboats:

And an act for the relief of B. M. Bradford and Jack Shackelford:

Ordered, that the titles of the foregoing bills remain unchanged.

A certain resolution offered by Mr. Moores, on the ninth instant, calling on the Cashiers of the State Bank and its several Branches, for information relative to the debts in suit due said institutions, &c. was adopted.

On motion of Mr. Buford, the Senate then adjourned till ten o'clock, to morrow.

WEDNESDAY, January 18th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. McClanahan presented the accounts of Henry Tuttle and Joseph Allen, which were referred to the committee on accounts and claims.

(Mr. Hudson in the Chair,) Mr. Terry presented the petition of John G. Yancey, which was referred to a select committee. Messrs. Moores and McConnell were appointed said committee.

Mr. McVay, from the committee on propositions and grievances, to which was referred the petition of sundry citizens of Walker county, reported a bill in accordance with the prayer of the petitioners.

A bill to be entitled an act for the relief of Thomas W. Harvey, was read the first time, and ordered to a second reading on to morrow.

Mr. Brindley introduced a bill to be entitled an act to form an additional regiment in the county of Blount, and for other purposes; which was read the first time and ordered to a second reading.

Mr. Hudson, from the committee on roads, bridges and ferries, to which was referred the petition of Nelson H. White and others, reported a bill in accordance with the prayer of the petitioners; which was read, and, on motion of Mr. Dent, the constitutional rule was suspended and the bill read the second time.

Mr. Terry moved the indefinite postponement of the bill, and desired the yeas and nays:

YEAS—messrs. President, Baylor, Dent and McVay—4.

NAYS—messrs. Arrington, Brindley, Buford, Creagh, Dailey, Flem-

ing, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, Moores, Oliver, Reese, Rodgers, Ross, Toulmin, Walker, Watrous, Wilson of F. and Wilson of J.—25.

Mr. Terry's motion to postpone indefinitely, was lost.

Mr. Hudson moved to refer the bill to a select committee; which was carried.

Messrs. Hudson, Wilson of F. and Brindley, were appointed said committee.

Mr. Hunter offered the following resolution:

Resolved, by the Senate, That, with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives, on Saturday next, twenty-first instant, at the hour of twelve, m. for the purpose of electing the following officers, to wit:

A Judge of the second Judicial Circuit;

A Judge of the third Judicial Circuit;

A Judge of the sixth Judicial Circuit;

A Judge of the seventh Judicial Circuit;

A Judge of the ninth Judicial Circuit;

A Judge of the tenth Judicial Circuit;

And a Judge of the fourth Judicial Circuit.

Mr. McVay moved to lay the resolution on the table, and called for the yeas and nays:

YEAS—messrs. President, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hudson, McClanahan, McVay, Moores, Phillips, Reese, Ross, Watkins, Wilson of F. and Wilson of J.—19.

NAYS—messrs. Arrington, Hunter, Jones, King, McAllister, McConnell, Rodgers, Toulmin, Walker and Watrous—10.

So the resolution was laid on the table.

Mr. Walker, from the committee on federal relations, to which was referred joint resolutions in relation to a protective tariff, and other subjects, together with a substitute for the same, reported them back to the Senate, and recommended the adoption of the substitute.

Mr. Terry moved to lay the report and substitute on the table, and desired the yeas and nays, on concurring in the report of the committee.

YEAS—messrs. Arrington, Brindley, Dent, King, McAllister, McConnell, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walker, Watkins and Watrous—15.

NAYS—messrs. President, Baylor, Buford, Creagh, Dailey, Fleming, Foster, Hudson, Hunter, Jones, McClanahan, McVay, Moores, Wilson of F. and Wilson of J.—15.

So the report of the committee was not concurred in.

Mr. Moores moved to postpone the further consideration of the subject until the first Monday in February, and called for the yeas and nays:

YEAS—messrs. Arrington, Buford, Dent, Hunter, King, Moores, Oliver, Phillips, Reese, Thornton and Watrous—11.

NAYS—messrs. President, Baylor, Brindley, Creagh, Dailey, Flem-

ing, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Ross, Toulmin, Walker, Wilson of F. and Wilson of J.—19.

So the motion to postpone was lost.

Mr. Terry then moved the adoption of the original joint resolutions; a division of the question was then called for and the sense of the Senate taken upon each resolution separately.

The ayes and noes were then taken on the adoption of the first resolution; which is as follows:

Be it therefore Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the tariff law of Congress, approved August —, eighteen hundred and forty-two, is unconstitutional and ought to be repealed.

YEAS—messrs. President, Baylor, Brindley, Creagh, Dailey, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walker, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Buford Dent, Hunter, King, Moores, Oliver, Phillips, Reese, Ross, Thornton and Watrous.

So the resolution was adopted.

The ayes and noes were then called for upon the second resolution:

Second—*Be it further Resolved, by the authority aforesaid, That an impost of twenty per cent. as contemplated by the compromise act of eighteen hundred and thirty-three, is amply sufficient to defray all the necessary expenses of the economical administration of the government in the manner contemplated by the framers of the constitution, and would most strongly tend to preserve the morals of the government and the people from corruption, and would operate equally and beneficially upon all classes of citizens, and subserve alike the interests of all.*

YEAS—messrs. President, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McVay, Rodgers, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Hunter, King, Moores, Oliver, Phillips, Reese, Ross, Thornton and Watrous.

So the resolution was adopted.

3d. *Be it further resolved, by the authority aforesaid, That we ascribe the present depression of commercial interests, and the low prices of agricultural products, mainly to the high tariff of duties on foreign imports; and do therefore most earnestly and seriously deprecate it as alike unconstitutional, unjust, and oppressive.*

Mr. Dailey moved to strike out the word “mainly;” which was lost.

On the adoption of the resolution—

YEAS—messrs. President, Baylor, Brindley, Creagh, Fleming, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walker, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Buford, Dailey, Dent, Hunter, Jones, King, Moores, Oliver, Phillips, Reese, Ross, Thornton, Watkins, and Watrous.

So the resolution was adopted.

Mr. Jones moved to postpone the further consideration of the subject till twelve o'clock, to-morrow ; which motion was lost.

4th. *Be it further Resolved, by the authority aforesaid,* That while we thus highly value and cherish the Union of these States, and would deprecate open resistance to the General Government for slight or transient causes,—we would rather see this Union dissolved, and the separate members of the Confederacy erect themselves into as many independent sovereignties, without any bonds of interest or affection to unite them,—than to see them all brought into tame submission to a government of unlimited powers.

For which, Mr. Hunter offered the following substitute:

Be it further Resolved, That we entertain the utmost abhorrence of the rupture of the bonds of our Confederated Government, or the establishment of a consolidated government.

For the substitute—messrs. Arrington, Brindley, Buford, Dent, Foster, Hudson, Hunter, Jones, King, Oliver, Phillips, Reese, Watkins, and Watrous.

NAYS—messrs. President, Baylor, Creagh, Dailey, Fleming, McAllister, McClanahan, McConnell, McVay, Moores, Rodgers, Thornton, Toulmin, Walker, Wilson of F. and Wilson of J.

So the substitute was not adopted.

For the original fourth resolution—messrs. President, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Phillips, Reese, Thornton, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Hunter, Jones, King, Moores, Oliver, Rodgers, Ross, and Watrous.

So the resolution was adopted.

Mr. Walker offered the following amendments, as additional resolutions:

5th. *Resolved,* That in the deliberate opinion of this General Assembly, that the only security which any of the States have under the Federal Constitution, is a rigid and uncompromising adherence to that instrument, *as it is written.* Adopted.

6th. That economy in expenditure, and strict official accountability, are the best measures of public liberty,—and indispensable to perpetuate the purity of our political system. Adopted.

7th. That Congress has no constitutional power to charter a National Bank.

Mr. Moores called for the yeas and nays on the adoption of this resolution:

YEAS—messrs. President, Baylor, Brindley, Creagh, Dailey, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.—19.

NAYS—messrs. Arrington, Buford, Dent, Hunter, King, Moores, Oliver, Phillips, Reese, Ross, Thornton, and Watrous—12.

So the seventh resolution was adopted.

8th. That the separation of Government from Banks, is the great and

leading measure of the age ; that it rests upon the imperishable foundation of truth,—and though it may be defeated at first, its final triumph is certain.

For the adoption of the resolution—Messrs. President, Baylor, Brindley, Creagh, Dailey, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.

NAYS—Messrs. Arrington, Buford, Dent, Hunter, King, Moores, Oliver, Reese, Ross, Thornton, and Watrous.

So the resolution was adopted.

9th. That Congress has no power under the Federal Constitution, to appropriate taxes raised from the whole people, to construct works of internal improvement within the States or Territories.

For this resolution—Messrs. President, Baylor, Brindley, Creagh, Dailey, Dent, Fleming, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Rodgers, Reese, Walker, Watkins, Wilson of F. and Wilson of J.

NAYS—Messrs. Arrington, Hunter, Moores, Thornton, and Watrous.

10th. That the act of Congress distributing the proceeds of the sales of the public lands among the States, is unauthorized, impolitic, and at war with free trade, low duties, separation from Banks, no debt, economy and retrenchment, and strict adherence to the constitution.

For this resolution, messrs. President, Baylor, Brindley, Creagh, Dailey, Fleming, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Rodgers, Walker, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Buford, Dent, Hunter, Moores, Oliver, Reese, Ross, Thornton and Watrous.

So the resolution was adopted.

11th. That the assumption of the debts of the States, by the Government of the Union, is at variance with sound policy ; the antagonist of equal rights ; agrarianism, in the most specious shape ; a nefarious attempt to plunder one portion of the American people, for the benefit of another, under the forms of law.

For this resolution, messrs. President, Baylor, Brindley, Creagh, Dailey, Fleming, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Reese, Rodgers, Toulmin, Walker, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Dent, Moores, Oliver, Ross, Thornton, Watkins and Watrous.

So the resolution was adopted.

12th. That we cling to the veto power, as the sheet-anchor of our safety ; and that to attempt to strike it from the Federal constitution, is to aim a blow at the dearest rights of the people—it is like unto the efforts of the adder to sting the bosom which warmed it into existence.

For this resolution, messrs. President, Baylor, Brindley, Buford, Creagh, Dailey, Fleming, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Reese, Rodgers, Ross, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Dent, Hunter, Moores, Oliver, Thornton and Watrous.

So the resolution was adopted.

Mr. King offered the following amendment :

Resolved, 13th. That all Banks, in whatever form they may be established, are fundamentally wrong and dangerous, and ought to be discontinued as early as practicable.

On motion of Mr. Jones, the words “of discount,” were inserted after the word “Banks,” in the first line of the amendment.

Mr. Terry offered the following amendment to the amendment of Mr. King: add, “whether they be national, State or individual.”

For Mr. Terry’s amendment, messrs. President, Baylor, Brindley, Creagh, Fleming, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Buford, Dailey, Dent, Foster, Hunter, King, Moores, Oliver, Reese, Rodgers, Ross, Thornton and Watrous.

So Mr. Terry’s amendment to the amendment was adopted.

For the adoption of Mr. King’s amendment, as amended, Messrs. President, Baylor, Brindley, Creagh, Fleming, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.

NAYS—Messrs. Arrington, Buford, Dailey, Dent, Foster, Hunter, King, Moores, Oliver, Reese, Rodgers, Ross, Thornton and Watrous.

Mr. McConnell moved to postpone the further consideration of the subject, for the purpose of taking from the table of the President, a message and bill from the House of Representatives; which motion was lost.

(Mr. Terry resumed the chair.)

Mr. Reese offered the following amendment :

Resolved further, by the authority aforesaid, That for all palpable infractions of the constitution of the United States, nullification by the States, in their sovereign capacity, is the rightful remedy.

Mr. McConnell proposed the following amendment to the amendment: “after exhausting all constitutional remedies;” which was adopted.

For the amendment offered by Mr. Reese, as amended, messrs. Arrington, Buford, Creagh, Dailey, McAllister, Oliver, Reese and Ross.

NAYS—Messrs. President, Baylor, Brindley, Dent, Fleming, Foster, Hudson, Hunter, King, McClanahan, McConnell, McVay, Rodgers, Thornton, Toulmin, Walker, Watkins, Watrous, Wilson of F. and Wilson of J.

So Mr. Reese’s amendment was lost.

The last resolution, which reads as follows, was then adopted :

14th. *Be it further Resolved, by the authority aforesaid*, That His Excellency, the Governor of this State, is hereby directed to transmit a copy of these resolutions to each of our Senators and Representatives in Congress; and also a copy to each Governor of the several States.

Mr. Walker proposed a substitute for the preamble; which Mr. President declared out of order, because it had been previously rejected by

the Senate, when it refused to concur in the report of the committee on federal relations.

Mr. Buford moved to adjourn to ten o'clock, to-morrow.

The yeas and nays were called for :

YEAS—Messrs. Brindley, Buford, Creagh, Foster, McClanahan, McConnell, Reese, Rodgers, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. President, Arrington, Baylor, Dailey, Dent, Fleming, Hudson, Hunter, King, McAllister, McVay, Moores, Oliver, Ross, Thornton and Watrous.

So the Senate refused to adjourn.

On motion of Mr. Hudson, the joint resolutions were recommitted to the committee on federal relations.

When the hour of twelve was announced, the three special orders, to wit, the districting resolution of Mr. Walthall; Mr. Moores' Bank resolution; and the bill to subject the Branches of the State Bank to the control of the mother Bank, on motion, were severally postponed till twelve o'clock, to-morrow, and made the special order for that hour.

A message by Mr. Clitherall :

Mr. President—The House of Representatives has passed a bill from the Senate for the relief of George H. Garrett, and to extend the pardoning power; and has amended the bill and caption as therein shown—in which the concurrence of your honorable body is respectfully asked.

On motion of Mr. Ross, the Senate concurred in the amendments of the House :

YEAS—messrs. President, Arrington, Baylor, Brindley, Buford, Dailey, Dent, Fleming, Foster, Hunter, McAllister, McConnell, McVay, Moores, Oliver, Reese, Ross, Thornton, Toulmin, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Creagh, Hudson, McClanahan, Rodgers and Walker.

So the Senate concurred in the amendment made by the House of Representatives.

On motion of Mr. Moores, the Senate then adjourned till ten o'clock, to-morrow.

THURSDAY, January 19, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Ross reported that the committee on enrolled bills had examined and found correctly enrolled, an act for the relief of George H. Garrett.

Mr. Toulmin presented the memorial of Charles Bancroft and others, of Mobile county; which was referred to the committee on propositions and grievances.

Mr. Dent presented the account of R. W. Barber; which was referred to the committee on accounts and claims.

A message from the House, by Mr. Phelan:

Mr. President—The House of Representatives has passed the accom-

panying joint resolution, authorizing Nathan Smith to draw and receipt for the pay of Reuben Gardner, deceased, late a member of the House of Representatives, from the county of Pickens, in which the concurrence of the Senate is respectfully asked.

The joint resolution was then read the first time in the Senate, and on motion of Mr. King, the constitutional rule was dispensed with, the resolution read the second and third time and passed.

Ordered, that the title remain unchanged; and that the Secretary forthwith report the bill to the House.

A message by Mr. Phelan:

Mr. President—The House of Representatives disagree to the two first amendments made by the Senate to the bill for the regulation of the Bank of the State of Alabama at Mobile, to wit: striking out "three" in the second line of the third section, and inserting "two," and in the third line of the same section, striking out "seven" and inserting "five." The House concurs in the other amendments made by the Senate to the bill.

On motion of Mr. Ross, the Senate receded from the amendments objected to by the House of Representatives, of which the House was immediately informed.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has disagreed to the first and second amendments made by the Senate to the bill to regulate the Branch of the Bank of the State of Alabama at Decatur, and has concurred in the other amendments.

On motion of Mr. Hudson, the objectionable amendments were receded from by the Senate, and the House forthwith informed thereof.

Mr. Toulmin, from the State Bank committee, to which was referred a resolution of inquiry into the expediency of authorizing the State Bank and Branches to issue bills of less denomination than five dollars, reported that it is inexpedient to legislate on the subject, in as much as the existing law authorizes the Banks to issue bills of the denomination therein named.

The committee was discharged from the further consideration of the subject.

Mr. Toulmin, from the State Bank committee, to which was referred a resolution instructing them to inquire if the State Bank is in a condition to pay the amount due from it in aid of valueless sixteenth sections, laid before the Senate a communication from the Cashier of the State Bank on the subject, and reported that it is inexpedient to legislate further on the subject, as a bill has been passed by the Senate providing for the payment of any balance due to valueless sixteenth sections.

Report concurred in.

BANK OF THE STATE OF ALABAMA, }
Tuscaloosa, January 12th, 1843. }

To Honorable T. L. Toulmin, Chairman, &c.

SIR—I have your favor of this date, covering a resolution of the Senate, adopted on yesterday, instructing the committee on the State Bank to inquire if this institution is in a condition to pay the amount

due from it in aid of valueless sixteenth sections. I have the honor to inform you in reply, that the amount required from this Bank by the act of third February, one thousand eight hundred and forty, for this object, is twenty-four thousand six hundred and thirty three dollars and ten cents; leaving appropriated to claims presented, and not yet called for, eleven thousand two hundred and thirty-three dollars and forty-six cents, which the Bank is prepared to pay in currency, at any moment it may be demanded.

I have the honor to be, with great regard,

Your obedient servant,

WM. HAWN, *Cashier.*

Mr. Toulmin, from the committee on the State Bank, to which was referred a bill to be entitled an act to put in liquidation the Branch of the Bank of the State of Alabama at Huntsville, reported that the committee had appended the amendments, as instructed by the Senate, and that the committee deem it inexpedient to pass the bill.

For concurring in the report of the committee:

YEAS—messrs. President, Baylor, Creagh, Dent, Foster, McClanahan, Ross and Toulmin.

NAYS—messrs. Arrington, Brindley, Dailey, Fleming, Hudson, Hunter, King, McAllister, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Watkins, Watrous, Wilson of F. and Wilson of J.

So the report of the committee was not concurred in.

The amendments appended by the committee, was then adopted.

Mr. Dailey moved to strike out so much of the bill as makes it the duty of the Governor to nominate the candidates for directorship; which motion was lost.

Mr. Dailey then offered the following amendment, to come in after "Governor," in the fifth line of the third section. "And that a President be chosen from three persons to be nominated by the Governor."

For the amendment:

YEAS—messrs. Dailey, Phillips and Toulmin.

NAYS—messrs. President, Arrington, Baylor, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Hunter, Jones, King, McAllister, McConnell, McVay, McClanahan, Moores, Rodgers, Ross, Watkins, Watrous, Wilson of F. and Wilson of J.

So the amendment was lost.

The question then recurred on ordered the bill to be engrossed:

YEAS—messrs. Brindley, Dailey, Fleming, Hudson, Hunter, Jones, King, McAllister, McConnell, McVay, Moores, Oliver, Reese, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. President, Arrington, Baylor, Creagh, Dent, Foster, McClanahan, Phillips, Rodgers, Ross and Toulmin.

So the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Toulmin, from the same committee, to which was referred a bill to be entitled an act to put in liquidation the Branch of the Bank of the State of Alabama at Montgomery, reported that as instructed, the com-

Committee had appended the amendments to the bill, but that the committee report it inexpedient to pass the bill.

For concurring in the report:

YEAS—messrs. President, Arrington, Baylor, Creagh, Dent, Foster, McClanahan, Phillips, Ross and Toulmin.

NAYS—messrs. Brindley, Dailey, Fleming, Hudson, Hunter, Jones, King, McAllister, McConnell, McVay, Moores, Oliver, Reese, Rodgers, Watkins, Watrous, Wilson of F. and Wilson of J.

So the report was not concurred in.

The amendments were adopted.

Mr. Dailey moved to strike out of the fourth line third section; “from seven persons to be nominated by the Governor.”

For the amendment:

YEAS—messrs. Dailey, King, Reese and Rodgers.

NAYS—messrs. President, Arrington, Baylor, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Hunter, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Ross, Toulmin, Watkins, Watrous, Wilson of F. and Wilson of J.

So the amendment was not adopted.

Mr. Creagh called for the yeas and nays on ordering the bill to be engrossed:

YEAS—messrs. Brindley, Dailey, Fleming, Hudson, Hunter, Jones, King, McAllister, McConnell, McVay, Moores, Oliver, Reese, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. President, Arrington, Baylor, Creagh, Dent, Foster, McClanahan, Phillips, Rodgers, Ross, Toulmin and Walker.

So the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Hudson, from the select committee, to which was referred a bill to be entitled an act to authorize Nelson H. White to turnpike a certain road therein named, reported the same back to the Senate, with the following amendments: strike out all after the proviso in the second section after the word “toll of,” and insert in lieu thereof, “any persons resident citizens of said county of Franklin, in going to and returning from courts, musters, churches, &c. &c.” and thus amended, recommended its passage.

The amendments were adopted by the Senate, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Moores, from the select committee, to which was referred the petition of John M. Yancy, reported the same back to the Senate, with a bill in accordance with the prayer of the petitioner, and recommended its passage.

A bill to be entitled, an act for the relief of John M. Yancy, was read the first time—the constitutional rule suspended, and the bill read the second time.

Mr. Baylor moved to strike out the second section.

YEAS—messrs. Baylor, Brindley, Buford, Dailey, Hudson, McClanahan, McVay, Watrous and Wilson of J.

NAYS—messrs. President, Arrington, Creagh, Dent, Fleming, Fos-

ter, Hunter, Jones, McAllister, McConnell, Moores, Oliver, Reese, Rodgers, Ross, Toulmin, Walker, Watkins and Wilson of F.

So the Senate refused to strike out.

The bill was then ordered to be engrossed.

Mr. Ross reported that the committee on enrolled bills had examined, and found correctly enrolled, a joint resolution authorizing Nathan Smith to draw and receipt for the pay of Reuben Gardner, deceased, late a member of the House of Representatives, from the county of Pickens.

Mr. Dent introduced a bill to be entitled, an act to compensate the commissioners for the examination of Clay's Digest. The bill was read, and, on motion, the constitutional rule was suspended, and the bill read the second time, and referred to the committee on accounts and claims.

Mr. Dent offered the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses of the General Assembly will adjourn *sine die*, on Wednesday, the first day of February next.

Mr. Hudson moved to lay the resolution on the table:

YEAS—messrs. President, Baylor, Brindley, Buford, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, Rodgers and Watrous.

NAYS—messrs. Arrington, Creagh, Dailey, Dent, Hunter, McVay, Moores, Oliver, Phillips, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.

The Senate refused to lay on the table.

Mr. Wilson of F. moved to amend by striking out "Wednesday, the first," and inserting "Saturday, the fourth."

Mr. Hudson moved to amend, by inserting "eleventh," in lieu of "fourth."

Mr. McClanahan moved to postpone the further consideration of the subject, until the first Monday in February next:

YEAS—messrs. President, Baylor, Brindley, Buford, Fleming, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Rodgers and Watrous.

NAYS—messrs. Arrington, Creagh, Dailey, Dent, Hunter, Moores, Oliver, Phillips, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.

So the resolution was postponed until the first Monday in February.

A message by Mr. Garrett, Secretary of State:

Mr. President—His Excellency the Governor, did, on this day, approve and sign, a bill, entitled an act for the relief of George H. Garrett, which originated in the Senate.

A message, by Mr. Clitherall:

Mr. President—The House of Representatives has adopted the following resolution, and respectfully ask the concurrence of the Senate thereto:

Resolved, That with the concurrence of the Senate, the two Houses will meet in the hall of the House, to-morrow, at the hour of twelve o'clock, M., for the purpose of electing a Judge of the City Court of the city of Wetumpka; and also, three members of the Medical Board at the town of Demopolis.

In which resolution the Senate concurred.

Mr. President laid before the Senate, the annual report of the Trustees of the Alabama Life Insurance and Trust Company; together, with a communication in reference thereto, from the Comptroller on Public Accounts. Which were, on motion, laid on the table.

The special orders were then taken up.

1st.—Mr. Walthall's Districting resolution, was postponed till Monday next, and made the special order for twelve o'clock, of that day, on Mr. McConnell's motion.

2d.—Mr. Moores' Bank resolution, was laid on the table, on Mr. Moores' motion.

3d.—The bill to subject the Branches of the State Bank to the control of the mother Bank; on Mr. McConnell's motion, was laid on the table.

The Senate then proceeded to the consideration of the orders of the day.

Bills of the following titles were severally read the third time and passed:

An act to authorize the investment of the school fund of township four, range three, in the county of Limestone:

An act to impose additional duties on the Secretary of State, and clerks of the county courts, and for other purposes.

An act explanatory of an act for the relief of Cassandra Kelly:

An act to incorporate the town of Goldville, in Tallapoosa county:

An act for the relief of Frances McCoy:

An act to establish a certain road in Shelby county:

An act for the better organization of a Board of Trustees for the University of Alabama:

Ordered, that the titles of the foregoing bills remain unchanged.

Bills of the following titles, were severally read, and referred to appropriate committees:

An act concerning the estates of deceased persons—to a select committee:

An act the better to secure and extend the debts due the Bank of the State of Alabama, and its several Branches—to a select committee, composed of messrs. Moores, Jones, and Thornton:

An act the better to secure rents—to a select committee, composed of messrs. Fleming, McConnell, and Baylor.

Mr. Baylor offered the following amendment, to accompany the bill to the committee: "*Provided*, that said rents shall not amount to more than one year's rent."

Joint resolutions, in relation to the traffic in bills of exchange by the State Bank and Branches—to the State Bank committee:

An act to confirm the emancipation of a certain slave therein named—to the committee on propositions and grievances:

Joint resolutions, proposing an amendment to the Constitution in the establishment of Banks—to the State Bank committee:

An act to form an additional regiment in the county of Blount, and for other purposes—to the military committee:

A bill, to be entitled an act, to incorporate the town of New Lexing-

ton, in the county of Tuscaloosa, was read the second time and ordered to be engrossed for a third reading.

A bill, to be entitled an act, for the benefit of Thomas W. Harvey, was on motion, indefinitely postponed:

A bill, to be entitled an act, amendatory of the laws in relation to the estates of deceased persons, was read the second time:

Mr. Baylor moved to refer it to the judiciary committee.

On motion of Mr. Hudson, it was postponed until to-morrow:

An act to authorize the stay of executions when specie shall be demanded, and for other purposes, on motion of Mr. Watkins, was postponed till Monday next.

On motion of Mr. Buford, an engrossed bill, to be entitled an act, for the relief of Peter Eldridge, Isham C. Browder and others, was taken from the table, and referred to the committee on the judiciary.

On motion of Mr. Wilson of J. the Senate then adjourned till ten o'clock, to-morrow.

FRIDAY, January 20th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Wilson of F. presented the account of R. H. Poe; which was referred to the committee on accounts and claims.

Mr. Reese presented the petition of sundry citizens of Chambers county, in relation to sixteenth sections; which was referred to the committee on education.

Mr. Hudson, from the committee on accounts and claims, to which was referred a bill, to be entitled an act, to compensate the commissioners for the examination of Clay's Digest, reported the same back to the Senate, with the following amendments: strike out the word "two," where it occurs in the first section, and insert in lieu thereof "one;" and after "hundred," add "and fifty." After the name "Samuel Peele," add the word "and."—After the word "and," at the end of the sixth line, add "to." After the name "Alexander B. Meek," insert these words, "the sum of one hundred and eighty-two dollars;" and with the adoption of these amendments, recommended its passage.

The amendments were adopted, and the bill ordered to be engrossed for a third reading.

Mr. Hudson, from the same committee, to which was referred the account of Isham Kimball, for books, &c., furnished the Clerk's office of the Chancery court, reported the same back to the Senate, as not being a State charge, and that the same ought not to be allowed. The report was concurred in, and the account withdrawn by Mr. Creagh.

Mr. Moores, from the committee on divorce and alimony, to which was referred a bill, to be entitled an act, to divorce Mariah Booth from her husband, George W. Booth, reported the same back to the Senate, and recommended its passage.

The bill was then placed among the orders.

Mr. Phillips, from the judiciary committee, to which was referred the memorial of Robert Douglass, praying to be relieved from the bonds of

matrimony, on account of the adultery of his wife prior to marriage. Also, a resolution on the same subject, reported a bill and recommended its passage.

A bill, to be entitled an act, amendatory of the laws on the subject of divorce, was read the first time, and ordered to a second reading.

Mr. Phillips, from the judiciary committee, to which was referred a bill to regulate suits against the Bank of the State of Alabama or any of the Branches thereof, reported the same back to the Senate, and recommended its passage.

The bill was accordingly placed among the orders of the day.

Mr. Phillips, from the judiciary committee, to which was referred the bill, to repeal in part an act, regulating punishments under the penitentiary system, and for other purposes, reported, that it was inexpedient to legislate on the subject.

Which report was concurred in.

Mr. Phillips, from the judiciary committee, to which was referred a bill in relation to the estate of John White, deceased, reported it back to the Senate and recommended its passage.

The bill was accordingly placed among the orders of the day.

Mr. Reese, from the committee on the penitentiary, to which was referred certain resolutions on the subject of manufacturing rope and bagging of cotton and hemp, in the penitentiary, reported, that the condition of our finances, and the want of correct and proper information, as to the cost of machinery, &c., renders it inexpedient to legislate further on the subject at this time, and recommended the passage of the accompanying joint resolution:

Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Warden of the Penitentiary be required to ascertain and report to the next legislature, the amount of cost of machinery necessary and proper to be used in the penitentiary, for the manufacturing of rope and bagging from cotton and hemp: also, the number of hands that may be necessary to be employed, and the wages of a competent person to act as manager; together with his views generally, as to the expediency of such a project.

Which resolution was read the first time, and ordered to a second reading.

Mr. Reese, from the judiciary committee, to which was referred a bill to amend the charter of the Montgomery Rail Road Company, reported the same back to the Senate, with the following amendments, and recommended its passage:

Amendment of the first section. Insert, "and their associates," after the word "aforesaid," in the fourth line, second page, first section.—Insert the words, "or who may hereafter pay up," after the words "paid up," in the eighth line, second page. Insert the words, "or who may hereafter register their applications," after the word "application," in the twelfth line, second page, first section.—Strike out "sixty days from the passage of this act," in the fifteenth line, second page and first section, and insert, "six months from the publication of notice to said stock-

holders and creditors, in some newspaper published in Montgomery and Chambers counties.

And provided further, That the benefits and provisions of this section shall be, and the same are hereby extended to all such stockholders in the Montgomery Rail Road Company, as may have forfeited their stock in said company, by a failure to pay up the instalments heretofore required to be paid up by said company, and who may have paid a portion of said stock, on the condition that said stockholders, or the assigners of said forfeited stock, shall pay up the balance due on said stock, within six, twelve, and eighteen months, from the publication of said notice, dividing the said balance into three equal instalments, together with interest thereon; and that all such stockholders or creditors as have complied with the conditions herein contained, or who may hereafter comply with the same, within the time herein prescribed, shall be held and deemed associates of said purchasers, and be placed on the same footing with said purchasers, in all respects whatever.

And it is hereby further provided, That in the event said stockholders as may have forfeited their stock, in the manner mentioned, or their assigners shall fail or refuse to comply with the conditions and provisions herein contained, they shall not be held liable in law or equity for any further balance which may be due on said stock."

Amendment to the second section. *And provided further*, That all stockholders or creditors who may have complied, or who may hereafter comply with the conditions and provisions contained in the first section of this act, shall be held and deemed associates of said purchasers, and shall have and exercise the same rights and be invested with the same powers in electing officers or associates, to manage and control the affairs of said company, or to make by-laws for the government of the same as any one of the purchasers aforesaid, in proportion to the amount of stock held by each of them respectively.

Section four. *And be it further enacted*, That all persons availing themselves of the provisions of the first section of this act, are hereby required to pay the said purchasers or owners, an amount proportional to the sum or sums of money, together with interest from the date of said purchase, according to the stock so applied for by them as said purchasers or owners may have paid for the purchase of the aforesaid Montgomery Rail Road: and that all persons availing themselves of the provisions of this act, together with the purchasers aforesaid, shall have, and be entitled in proportion to the amount of stock held by them respectively, to all the rents and profits accruing from said road, from the date of said purchase.

Section 5. *And be it further enacted*, That nothing herein contained shall be so construed as the interfere with, abridge, or alter the rights of creditors of the Montgomery rail road company, or to change the liabilities of said company.

Which amendments were adopted.

Mr. Baylor offered the following amendment: "*Provided*, That nothing in this act shall be so construed as to prevent any future legisla-

tion of the State of Alabama from altering, modifying, or repealing this act.

For Mr. Baylor's amendment—messrs. President, Arrington, Baylor, Brindley, Creagh, Dailey, Dent, Fleming, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Foster, Hunter, King, Moores, Oliver, Phillips, Reese, Ross, Thornton, and Watrous.

So Mr. Baylor's amendment was adopted.

For engrossing the bill—messrs. President, Arrington, Baylor, Brindley, Creagh, Dailey, Fleming, Foster, Hudson, Jones, Hunter, King, McAllister, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Watkins, Watrous and Wilson of J.

NAYS—messrs. Dent, McClanahan, and Wilson of F.

So the bill as amended was ordered to be engrossed for a third reading on to-morrow.

Mr. Jones, from the select committee, to which was referred a bill to be entitled an act concerning the estates of deceased persons, reported the same back to the Senate, amended by the addition of two sections, as follows: proviso to come in at the end of the first section: "*Provided*, That the lands in such cases shall be liable to the creditors of the administrator in the same manner as if titles had been perfected during his or her life."

Section 3. *And be it further enacted*, That the Governor shall have like power to make title in all cases of purchasers of sixteenth section lands, where proper evidence is furnished him of a total payment having been made for the same.

The amendments were adopted by the Senate—the bill read the third time and passed.

Ordered, that the title remain unchanged.

Mr. Fleming, from the select committee, to which was referred a bill to be entitled an act better to secure rents, reported the same back to the Senate with the following amendment:

"Section 3. *And be it further enacted*, That all rents shall be exempt from execution and attachment until the same may have been paid: *Provided*, That the rents shall be paid within the year that the crop is grown."

The amendment was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Foster introduced a bill to be entitled an act to incorporate the town of Van Buren in De Kalb county; which was read the first time and ordered to a second reading.

Mr. King introduced a bill to be entitled an act changing the direction of the tax fees on suits at the instance of the Banks of this State; which was read the first time, and on motion of Mr. Hudson, the constitutional rule was suspended, the bill read the second time, and on motion of Mr. McClanahan, referred to the committee on the judiciary.

Mr. Dailey offered the following resolution:

to inquire into the propriety of divorcing both parties in all cases, when divorces are granted by the Legislature, with leave to report by bill or otherwise.

Which was adopted

A message by Mr. Clitherall:

Mr. President—The House of Representatives has originated and passed the accompanying bill to be entitled an act to regulate the Branch of the Bank of the State of Alabama at Montgomery, in which the concurrence of the Senate is respectfully asked.

The bill had its first reading in the Senate, and on motion of Mr. Phillips, the constitutional rule was suspended, and the bill read the second time.

Mr. McConnell moved its reference to the State Bank committee which was lost.

Mr. Creagh moved to postpone the further consideration of the bill to Monday next.

YEAS—messrs. President, Baylor, Creagh, Dent, Foster, McClanahan, McConnell, Rodgers, Ross, Toulmin, Walker and Wilson of J.—12.

NAYS—messrs. Arrington, Brindley, Buford, Dailey, Fleming, Hudson, Hunter, Jones, King, McAllister, McVay, Moores, Oliver, Phillips, Reese, Thornton, Watkins and Wilson of F.—18.

So the Senate refused to postpone the bill.

For ordering the bill to a third reading—messrs. Brindley, Buford, Dailey, Fleming, Hudson, Hunter, Jones, King, King, McAllister, McConnell, McVay, Moores, Oliver, Reese, Thornton, Watkins, Watrous, Wilson of F. Wilson and of J.

NAYS—messrs. President, Arrington, Baylor, Creagh, Dent, Foster, McClanahan, Phillips, Rodgers, Ross, Toulmin, and Walker.

So the bill was ordered to a third reading.

Mr. Ross reported that the committee on enrolled bills had examined and found correctly enrolled: an act to regulate the Branch of the Bank of the State of Alabama at Decatur.

Mr. Creagh introduced a bill to be entitled an act adding a part of Monroe to Clarke county; which was read the first time and ordered to a second reading.

Mr. Toulmin introduced a bill to be entitled an act to incorporate the Fire Department Association of Mobile; which was read the first time and ordered to a second reading.

Mr. Moores, from the select committee, to which was referred a bill to be entitled an act the better to secure and extend the debts due to the Bank of the State of Alabama and its several Branches, reported the same back to the Senate with the following amendments, and with the amendments recommended its passage:

Add to the first section the following proviso:

Provided, however, That it may be lawful to extend any debt, debts, under the provisions of this act, without requiring a mortgage, in the opinion of the President and Directors, such debt or debts are ready sufficiently secured by mortgage, and the interest of said State Bank and its Branches require such extension.

Section 10. *And be it further enacted*, That the President and Directors of the State Bank, or any of its Branches, shall have all the power now given them by law for the securing of debts that are now certainly bad or doubtful, any provision in this act to the contrary notwithstanding.

Sec. 11. *And be it further enacted*, That it shall and may be lawful for the President of the State Bank, or any of its Branches, to extend any debt or debts due said Banks, by receiving a sum less than one fifth on said debts, if, in the opinion of said President and Directors, a sacrifice of property would be required to pay the one fifth, as required by the first section of this act: *Provided*, That not less than one tenth part of said debt or debts shall, in all cases be required: *And, Provided further*, That if any debt or debts shall be extended for a less sum than one fifth on the first instalment, the remainder shall be divided with other debts, into four annual instalments.

The amendments were adopted.

Mr. Creagh moved to postpone the further consideration of the bill till Monday next:

YEAS—messrs. President, Baylor, Creagh, Dent, Foster, King, McClanahan, Reese, Ross, Toulmin and Walker.

NAYS—messrs. Arrington, Brindley, Buford, Dailey, Fleming, Hudson, Hunter, Jones, McAllister, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Thornton, Watrous, Wilson of F. and Wilson of J.

So Mr. Creagh's motion to postpone was lost.

For the passage of the bill—messrs. Arrington, Brindley, Buford, Dent, Fleming, Hudson, Hunter, Jones, McConnell, Moores, Oliver, Rodgers, Thornton, Watrous and Wilson of F.

NAYS—messrs. President, Baylor, Creagh, Dailey, Foster, King, McAllister, McClanahan, McVay, Phillips, Reese, Ross, Toulmin, Walker and Wilson of J.

So the bill was lost.

Mr. Wilson of J. moved to reconsider the vote just taken on the passage of the bill.

On motion of Mr. Hudson, the consideration of Mr. Wilson's motion was postponed until Monday next.

A message, by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill to be entitled an act to repeal in part an act to attach a part of Benton county to Talladega county, and for other purposes, approved December twenty-third, eighteen hundred and thirty-six.

In which the concurrence of the Senate is respectfully asked.

The bill was then read the first time in the Senate, and ordered to a second reading.

Mr. Buford, from the judiciary committee, to which was referred a bill to be entitled an act for the relief of Peter Eldridge, Isham C. Browder and others, reported the same back to the Senate with the following amendments, and recommended its passage:

Strike out all after the enacting clause, and insert in lieu thereof—
“That, with the assent of the school commissioners, in section sixteen,

township twelve, range twenty-seven, Barbour county, made in writing, and attested by a justice of the peace, the sale of said section, or any part or parts thereof, may be rescinded, and the notes given for the purchase money may be delivered up: *Provided*, the makers, or some of them, will first pay all costs that may heretofore have accrued by reason of suit: *And, Provided also*, That said written assent shall specify, and set forth, that the sense of the qualified voters in said township had been taken, and, also, that all of the voters assent to such rescission."

The amendments were adopted, and the bill ordered to be read a third time on to-morrow.

A message, by Mr. Clitherall:

Mr. President—I am instructed to invite your honorable body into the Hall of the House of Representatives, for the purpose of electing a Judge for the City Court of Wetumpka, and, also, three members of the Medical Board of Demopolis, Marengo county.

The Senate forthwith repaired to the Hall.

Mr. President announced the object for which the two Houses had assembled.

The two Houses first proceeded to the election of a Judge of the City Court of Wetumpka.

D. Lyman Beecher, Esq. alone being in nomination, received one hundred and thirteen votes, being the whole number cast, and was accordingly declared, by Mr Speaker, duly and constitutionally elected Judge of the City Court of Wetumpka, for and during the term prescribed by law.

The two Houses next proceeded to elect three members of the medical board for the town of Demopolis—*Dr. W. C. Ashe, Dr. Theodore Dewes and Dr. Wm. F. Strudwick*, were in nomination; and each received one hundred and one votes, being the whole number cast.—Mr. Speaker accordingly declared them to be duly elected members of the medical board of the town of Demopolis, for and during the term prescribed by law.

The Senate then retired to its chamber.

Mr. President resumed the chair, and the orders of the day were taken up.

A bill to be entitled an act to put in liquidation the Branch of the Bank of the State of Alabama at Huntsville. was read the third time.

Mr. Dent moved to postpone the further consideration of the bill until to-morrow:

YEAS—messrs. President, Baylor, Creagh, Dent, Foster, King, Rodgers, Ross, Toulmin, Walker and Watrous

NAYS—Messrs. Arrington, Brindley, Buford, Dailey, Fleming, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Thornton, Wilson of F. and Wilson of J.

So the bill was not postponed.

For the passage of the bill—messrs. Brindley, Buford, Dailey, Fleming, Hudson, Jones, McAllister, McConnell, McVay, Moores, Oliver, Reese, Thornton, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. President, Arrington, Baylor, Creagh, Dent, Foster, King, McClanahan, Phillips, Rodgers, Ross, Toulmin and Walker.

So the bill passed.

Ordered, that the title remain unchanged.

Bills of the following titles were then severally read the second time, and ordered to be engrossed :

An act in relation to the estate of John White, deceased :

And an act amendatory of the laws in relation to the estates of deceased persons.

Mr. Jones proposed the following amendment—which was adopted :

And be it further enacted, That accounts due the estates of deceased persons, shall be deemed proven, and judgments may be rendered upon the same, without further proof by the executor or administrator, unless the defendant will swear that said account is unjust, or paid : *Provided*, that the provisions of this section shall not apply to claims against the estates of deceased persons.

On motion of Mr. Reese, the word “three,” in the last line of the third section, was stricken out, and “one,” inserted in lieu thereof.

Bills of the following titles were then read the third time and passed :

An act to authorize Nelson H. White to turnpike a certain road therein named :

An act for the relief of John M. Yancy :

For the passage of this bill—messrs. President, Creagh, Dent, Fleming, Foster, Jones, McAllister, McConnell, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin and Wilson of F.

NAYS—messrs. Arrington, Baylor, Brindley, Buford, Dailey, Hudson, McClanahan, McVay, Walker, Watrous and Wilson of J.

An act to incorporate the town of New Lexington, in the county of Tuscaloosa :

An act to divorce Mariah Boothe from her husband, George W. Boothe :

For the passage of this bill—messrs. President, Baylor, Brindley, Buford, Fleming, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Watrous, Wilson of F. and Wilson of J.

NAYS—Messrs. Arrington, Creagh, Dailey and Dent.

Ordered, that the titles of the foregoing bills remain unchanged.

A bill to be entitled an act to put in liquidation the Branch of the Bank of the State of Alabama at Montgomery, was in order for a third reading, and on motion of Mr. Hudson, was postponed till Monday next.

On motion, the Senate then adjourned till ten o'clock, to-morrow.

SATURDAY, January 21, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson moved to reconsider the vote taken on yesterday, on the passage of the bill to compensate the commissioners for the examination of Clay's Digest ; as also the vote on concurring in the report of the committee on accounts and claims, in reference thereto—both of which motions were carried, thereby leaving the bill in the same situa-

tion in which it went to the committee ; to wit, appropriating to each of the commissioners the sum of two hundred dollars. The bill was then ordered to be engrossed.

Mr. Toulmin presented the petition of Ransom Soto and Faustin Collin ; which was referred to the committee on propositions and grievances.

Mr. Toulmin also presented a communication from the Cashier of the Branch Bank at Montgomery, covering a statement showing who of the debtors to said Bank had been permitted to extend their debts for a less amount than twenty per cent. &c. ; which was laid on the table.

Mr. King, from the committee on internal improvement and inland navigation, to which was referred a bill for the relief of John Hill and Thomas H. Brashure, reported that the persons asking relief in said bill, are Coosa river commissioners, and ask pay for services rendered as such. The committee are informed that the whole of the amount of sixty thousand dollars, appropriated some years back to the improvement of this river, has been all expended ; and this bill asks the appropriation of one hundred and forty-four dollars from the treasury, over and above the original appropriation. The committee recommend to the Senate not to pass the bill.

Which report was concurred in, and the bill consequently lost.

Mr. Phillips, from the judiciary committee, to which was referred a bill changing the direction of tax fees on suits at the instance of the Banks,—reported the same back to the Senate, and recommended its passage. The bill was read, and ordered to be engrossed.

Mr. McConnell, from the committee on military affairs, to which was referred a bill to create an additional regiment in the county of Blount, and for other purposes,—reported the same back to the Senate, and recommended its passage. The bill was read, and ordered to be engrossed.

Mr. McConnell, from the same committee, to which was referred a bill to establish an additional regiment in the county of Tuscaloosa, together with the amendment proposing to establish a regiment of Alabama militia in the county of Coffee,—reported the same back to the Senate, and with the amendment, recommended its passage.

The amendment was adopted.

The bill was read, and ordered to be engrossed.

Mr. King, from the committee on internal improvement and inland navigation, to which was referred a bill to encourage the manufacture of cotton bagging, rope, &c.,—reported that the views of the committee had been heretofore fully expressed on this subject, in the report made by the committee on the sixth instant ; in which the opinion is expressed, that at present it is not expedient to legislate on the subject.—Every investigation of this subject, serves but to increase the conviction of its importance and utility ; but for the reasons assigned in the report referred to, the committee are constrained to advise the rejection of the bill. Which report was concurred in.

Mr. Toulmin introduced a bill to be entitled, an act further to amend the charter of the Alabama Life Insurance and Trust Company ; which was read the first time, and ordered to a second reading.

A message, by Mr. Clitherall:

Mr. President—The House of Representatives has originated and passed the accompanying bills, entitled as follows—

An act to extend the term of the circuit court of Marengo county, and for other purposes:

An act to alter and amend the eighteenth section of the fourth chapter of an act entitled, an act regulating punishments under the penitentiary system:

An act relative to the change of venue in certain counties therein named:

And, an act for the retrenchment of expenses in judicial proceedings:

Which were severally read the first time in the Senate, and ordered to a second reading.

A message, by Mr. Clitherall:

Mr. President—The House of Representatives has passed the bill from the Senate, entitled—an act to incorporate the town of Goldville, in Tallapoosa county,—and has amended the same as therein shewn. In which the concurrence of the Senate is respectfully asked.

The House has also passed bills from the Senate, entitled—

An act authorizing Thomas M. Cowles to take out letters of administration in the county of Montgomery:

And also, joint resolutions, requiring the Secretary of State to furnish stationery for the Supreme Court Judges.

The House of Representatives concurs in the amendments made by the Senate, to the bill to be entitled, an act to repeal in part the act appropriating two hundred thousand dollars annually, in aid of valueless sixteenth sections:

And also, in the amendments made by the Senate, to the bill to extend for a limited time the indebtedness of the purchasers of the sixteenth section, township nineteen, range seven.

The Senate concurred in the amendments made by the House to the bill to incorporate the town of Goldville, in Tallapoosa county.

A message, by Mr. Clitherall:

Mr. President—The House of Representatives has passed bills of the following titles, to wit—

An act to repeal an act entitled, an act to prevent the sacrifice of real estate, approved January first, one thousand eight hundred and forty-two:

An act to amend the laws in relation to small pox and other contagious disorders:

Also, joint resolutions, to provide means by which the settlers on the public lands in the State of Alabama, may enter their homes:

In all of which, the concurrence of your honorable body is respectfully asked.

The joint resolutions to provide means, &c., was read the first time in the Senate; and on motion of Mr. Hudson, the constitutional rule was suspended, the resolutions read the second time, and referred to the committee on federal relations.

The bill to be entitled, an act to repeal an act entitled an act to prevent

the sacrifice of real estate, approved January first, one thousand eight hundred and forty-two; was read the first time in the Senate.

And, on motion, the yeas and nays were called on ordering it to a second reading:

YEAS—messrs. President, Arrington, Dailey, Hunter, King, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Toulmin, Walker, and Watrous—14.

NAYS—messrs. Baylor, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Jones, McAllister, McConnell, Rodgers, Ross, Thornton, Watrous, Wilson of F. and Wilson of J.—16.

So the bill was not ordered to a second reading.

A bill to be entitled an act to amend the laws in relation to small pox and other contagious disorders; was read the first time in the Senate.

And, on motion of Mr. McConnell, the constitutional rule was dispensed with, and the bill immediately received its second and third readings, and passed.

Ordered, that the title remain unchanged,—and that the Secretary forthwith report the same to the House of Representatives.

Mr. Jones introduced bills of the following titles:

A bill to be entitled, an act to perpetuate and keep in force, judgments and executions, in certain cases; which was read the first time—the rule suspended, read the second time, and referred to the committee on the judiciary:

And a bill to be entitled, an act supplemental to an act, entitled an act to alter the mode of assessing and collecting the taxes in Sumter county, approved, fourth January, eighteen hundred and forty-three, and for other purposes; which was read the first time, and, on motion, the constitutional rule was dispensed with, the bill forthwith read the second and third times, and passed.

Ordered, that the title remain unchanged, and that the Secretary report the same to the House immediately.

Mr. Dent introduced a bill to be entitled, an act to incorporate the Erosophic Society, of the University of Alabama. The constitutional rule being dispensed with, the bill was read three several times forthwith, and passed.

Ordered, that the title remain unchanged, and that the Secretary forthwith convey the same to the House for its concurrence.

Mr. Ross made the following report:

The committee on enrolled bills have examined, and found correctly enrolled, bills of the following titles:

An act for the regulation of the Branch of the Bank of the State of Alabama, at Mobile:

An act to amend the laws in relation to small pox, and other contagious disorders:

An act to divorce Mariah Boothe, from her husband, George W. Boothe:

And an act to repeal in part the act making an appropriation of two hundred thousand dollars, annually, in aid of the sixteenth sections.

The Senate then proceeded to the consideration of the orders of the day.

Bills of the following titles, were severally read the second time, and ordered to be engrossed:

An act amendatory of the laws on the subject of divorce:

An act to incorporate the town of Van Buren, in the county of De Kalb:

And joint resolutions relating to the manufacture of cotton bagging and rope, in the Alabama Penitentiary.

Bills of the following titles, were severally read the third time, and passed:

An act better to secure rents:

And an act to regulate the Branch of the Bank of the State of Alabama, at Montgomery.

For the passage of the bill—messrs. Brindley, Buford, Dailey, Fleming, Hudson, Hunter, Jones, McAllister, McConnell, McVay, Moores, Oliver, Reese, Thornton, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. President, Arrington, Baylor, Creagh, Dent, Foster, King, McClanahan, Phillips, Rodgers, Ross, Toulmin and Walker.

Ordered, that the titles of the foregoing bills remain unchanged.

The bill to amend the charter of the Montgomery Rail Road Company, was referred to a select committee, composed of messrs. Oliver, Reese and Hunter.

The bill to be entitled, an act to incorporate the Fire Department Association of Mobile, was read the second time, and referred to the committee on the judiciary.

The engrossed bill from the House of Representatives, entitled an act to repeal in part an act entitled, an act to attach a part of Benton county to Talladega county, and for other purposes, approved, December twenty-third, eighteen hundred and thirty-six, was read the second time.

Mr. Walker moved its reference to the committee on county boundaries, and called for the yeas and nays:

YEAS—messrs. Arrington, Creagh, Dailey, Jones, McClanahan, Oliver, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. President, Baylor, Brindley, Dent, Fleming, Foster, Hudson, Hunter, King, McAllister, McConnell, McVay, Moores, Phillips, Reese, Rodgers, Ross, Thornton and Watrous.

So the bill was not referred to the committee on county boundaries.

Mr. Walker moved its reference to a select committee.

YEAS—messrs. Creagh, Dailey, Jones, McAllister, McClanahan, McConnell, Oliver, Ross, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. President, Arrington, Baylor, Brindley, Buford, Dent, Fleming, Foster, Hudson, Hunter, King, McVay, Moores, Phillips, Reese, Rodgers, Thornton and Watrous.

So the bill was not referred to a select committee.

On motion, the constitutional rule having been suspended, and the question recurred on the passage of the bill.

Mr. Walker moved the postponement of the bill till Monday next, and make it the special order for twelve o'clock of that day—which motion was being discussed, when Mr. Buford moved an adjournment till ten

For an adjournment—messrs. Arrington, Baylor, Brindley, Buford, Creagh, Hudson, Jones, King, McAllister, McClanahan, McConnell, Rodgers, Toulmin, Walker, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. President, Dailey, Dent, Foster, Hunter, McVay, Moores, Oliver, Phillips, Ross, Thornton and Watrous.

So Mr. President declared the Senate adjourned till Monday morning, ten o'clock.

MONDAY, January 23d, 1843.

The Senate met pursuant to adjournment.

The minutes of Saturday were read and approved.

Mr. Hudson presented the account of John B. Hogan, which was referred to the committee on accounts and claims.

Mr. Baylor, from the committee on education, to which was referred a bill to be entitled an act for the relief of Joseph Lowry and others, reported the same back to the Senate without amendment, and recommended its passage—whereupon the bill was read the third time and passed.

Ordered, that the title remain unchanged.

Mr. Baylor, from the same committee to which was referred a bill, to be entitled an act, to provide for the education of indigent children—reported, that whilst the committee are satisfied that the provisions therein contained, are worthy of the most serious consideration of the Senate, and that provision ought to be made for the attainment of so desirable an end, they are satisfied that the present is an inauspicious time to go into the measure—the committee, therefore, deem it inexpedient to legislate on the subject at present.

On motion of Mr. Hudson, the bill and report were laid on the table.

Mr. Baylor, from the same committee, to which was referred joint resolutions, concerning the school lands, in township nineteen, range twenty-five, in Macon county—reported the same back to the Senate, with the opinion that it is inexpedient to pass the same—whereupon, the committee were discharged from the further consideration of the subject.

Mr. Hudson introduced a bill, to be entitled an act, to secure the sixteenth section fund now held by the Bank of the State of Alabama and the several Branches thereof; which was read the first time—rule suspended; read the second time, and referred to the committee on the judiciary.

Mr. Creagh offered the following resolution:

Resolved, That the committee on State Printing, be discharged from the duty required of them, in having printed the indebtedness of the members of the present General Assembly.

Mr. King, moved to lay the resolution on the table; which motion was lost.

For the adoption of the resolution—messrs. Arrington, Brindley, Creagh, Dailey, Dent, Hudson, Hunter, McAllister, Moores, Rodgers, Ross, Toulmin, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. President, Baylor, Buford, Fleming, Foster, King, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Walker and Walthall.

So the committee was discharged from that duty.

Mr. Buford introduced a bill, to be entitled an act, to enable Thomas S. Tate to remove a certain estate:

Also, a bill, to be entitled an act, concerning the office of clerks of Russell county, and circuit courts; which were severally read the first time—the rule suspended; read the second time, and referred to the committee on the judiciary.

Mr. Ross reported, that the committee on enrolled bills had examined and found correctly enrolled, bills of the following titles:

An act, authorizing Thomas M. Cowles, to take out letters of administration in the county of Montgomery.

An act concerning the estates of deceased persons:

And an act, to extend for a limited time, the indebtedness of the purchasers of the sixteenth section, township nineteen, range seven:

And also, joint resolution requiring the Secretary of State to furnish stationery to the Supreme Court Judges.

The Senate then proceeded to the consideration of the orders of the day:

A bill, to be entitled an act, to repeal in part, an act, entitled an act, to attach a part of Benton county to Talladega county, and for other purposes, approved December twenty-three, eighteen hundred and thirty-six, (being the bill under discussion when the Senate adjourned on Saturday,) was read, and on motion, referred to the committee on county boundaries, with instructions to report on Wednesday.

An act to compensate the commissioners for the examination of Clay's Digest, was read the third time and passed.

Ordered, that the title remain unchanged.

Bills of the following titles were severally read the second time, and referred to appropriate committees:

An act for the retrenchment of expenses in judicial proceedings; to the judiciary committee:

An act, to alter and amend the nineteenth section of the fourth chapter of an act, entitled an act, regulating punishments under the penitentiary system; to the judiciary committee:

An act, further to amend the charter of the Alabama Life Insurance and Trust Company; to the judiciary committee:

An act to extend the term of the circuit court of Marengo county, and for other purposes; to a select committee, of Messrs. Moores, Creagh and Hudson.

Bills of the following titles were then severally read the third time and passed:

An act, relative to the change of venue, in certain counties therein therein named:

An act, amendatory to the laws in relation to the estates of deceased persons:

An act in relation to the estate of John White, deceased:

An act to regulate suits against the Bank of the State of Alabama, or any of the Branches thereof:

An act, to add a part of Monroe to Clarke county—this being on its second reading, the rule was suspended, and the bill read the third time,

An act to change the direction of the tax fees on suits at the instance of the Banks of this State.

For the passage of the bill—messrs. Arrington, Brindley, Buford, Creagh, Dailey, Fleming, Foster, Hudson, Hunter, Jones, King, McAllister, McConnell, McVay, Moores, Phillips, Reese, Rodgers, Ross, Thornton, Walker, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Baylor, Dent, McClanahan, Oliver, Toulmin, and Walthall.

An act, to form an additional regiment in the county of Blount, and for other purposes.

An act to form an additional regiment in the counties of Tuscaloosa and Coffee:

An act amendatory of the laws on the subject of divorces:

An act to amend the charter of the Montgomery rail road company, and for other purposes:

An act to incorporate the town of Van Buren, in the county of De Kalb:

And also, joint resolutions relating to the manufacture of cotton bagging and rope in the Alabama Penitentiary.

Ordered, that the titles of the forgoing bills and joint resolutions remain unchanged.

This completed the orders of the day.—The Senate then proceeded to the consideration of the special orders:

1st—Mr. Walthall's resolution for districting the State—for the adoption of the resolution:

Messrs. President, Baylor, Brindley, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walker, Walthall, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Buford, Creagh, Dailey, Dent, Hunter, King, Moores, Oliver, Phillips, Reese, Ross, Thornton, Watkins and Watrous.

So the resolution was adopted.

2d—A bill to be entitled an act the better to secure and extend the debts due the Bank of the State of Alabama and its several Branches. The question being on the motion of Mr. Wilson of J. to reconsider the vote taken on the twentieth instant, on the passage of the bill:

YEAS—messrs. Arrington, Brindley, Buford, Dailey, Fleming, Foster, Hudson, Hunter, Jones, McAllister, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. President, Creagh, Baylor, Dent, King, McClanahan, McConnell, McVay, Toulmin and Walthall.

So the vote was reconsidered—and on motion of Mr. Hudson, referred to a select committee. messrs. Hunter, Jones, Thornton, Hudson and Reese composed said committee.

3d—A bill to be entitled an act to authorize the stay of executions when specie shall be demanded, and for other purposes—the question being on the passage of the bill—The yeas and nays were called for:

YEAS—messrs. Arrington, Brindley, Dailey, Fleming, Foster, Hud-

son, Jones, McAllister, McConnell, Rodgers, Walthall, Watkins, Wilson of F. Wilson of J.

NAYS—Messrs. President, Baylor, Buford, Creagh, Dent, Hunter, King, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Ross, Thornton, Toulmin and Walker.

So the bill was lost.

4th—A bill to be entitled an act to put in liquidation the Branch of the Bank of the State of Alabama at Montgomery—on motion of Mr. Hudson, was laid on the table.

Mr. Thornton introduced a bill to be entitled an act regulating and prescribing the mode of settlement in Orphans' courts by executors, administrators and guardians; which was read the first time, rule suspended, read second time, and referred to the committee on the judiciary.

A message by Mr. Garrett:

Mr. President—His Excellency, the Governor, has approved a joint resolution requiring the Secretary of State to furnish stationery for the Supreme Court Judges, which originated in the Senate.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened, in which the concurrence of your honorable body is respectfully asked.

The joint resolutions were then read the first time in the Senate—Mr. Hudson moved to suspend the constitutional rule, which was refused, and the yeas and nays called for on ordering them to a second reading:

YEAS—messrs. Brindley, Buford, Creagh, Dailey, Dent, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, Moores, Oliver, Phillips, Ross, Thornton, Toulmin, Walker, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. President, Arrington, Baylor, Fleming, Foster, McVay, Reese and Rodgers.

So the Senate ordered the joint resolutions to a second reading on to-morrow.

On motion of Mr. Buford, the Senate then adjourned till ten o'clock, to-morrow.

TUESDAY, January 24, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

The following protest was ordered to be spread upon the Journals:

We, the undersigned, having voted in the minority on the adoption of Mr. Walthall's resolution, instructing the select committee to lay off the State into Congressional districts, with reference alone to the white population, avail ourselves of the constitutional right of protesting against the passage of said resolution:

First—Because it changes the rule of Federal representation which has hitherto prevailed in this and all the other slave holding States, and is uncalled for by the people.

Second—Because it is unjust, and contrary to the rule established by the Federal Constitution.

Third—Because we believe it will encourage abolitionism, and will induce assaults on the provision of the constitution which secures a representation increased by the computation of three fifths of the slave population; a point of vital importance to the southern States.

(Signed,)

*Wm. S. Phillips,
Peyton King,
W. R. Ross,
Jeff. Buford,
J. S. Hunter,
Asa Arrington,*

*Samuel L. Oliver,
Daniel Watrous,
James E. Reese,
Dennis Dent,
John Watkins,
Harry I. Thornton.*

Mr. Ross reported that the committee on enrolled bills had examined and found correctly enrolled, an act to incorporate the town of Goldsville in Tallapoosa county.

Mr. Hudson presented the account of G. W. Irwin; which was referred to the committee on accounts and claims.

Mr. Jones presented the account of D. F. Brown; which was referred to the committee on accounts and claims.

Mr. Toulmin, from the State Bank committee, to which was referred joint resolutions in relation to the traffic in bills of exchange by the State Bank and Branches, reported the same back to the Senate with the following amendment to the preamble, with the adoption of which the committee recommended their passage, viz:

Strike out all after the word "practice," in the fifth line of the preamble, and insert "is novel, unheard of, and prejudicial in its tendency."

The amendment was adopted and the joint resolution ordered to be engrossed for a third reading on to-morrow.

Mr. Toulmin, from the State Bank committee, to which was referred a resolution of inquiry into the expediency of authorizing the State Bank and Branches to appoint agents to collect and the better to secure the debts due the said Banks, reported, accompanying a bill of the following title and recommended its passage:

An act to authorize the President and Directors of the Bank of the State of Alabama to appoint agents; was read the first time and the rule suspended, read the second time, and, on motion of Mr. Buford, postponed till to-morrow.

Mr. Oliver, from the committee on internal improvement and inland navigation, to which was referred the memorial of the Montgomery and West Point Rail Road Company, reported the same back to the Senate with a bill to be entitled an act to loan a portion of the two per cent. fund to the Montgomery and West Point Rail Road Company; which was read the first time and ordered to a second reading.

Mr. McVay, from the committee on propositions and grievances, to which was referred the memorial of Charles Bancroft and others, of Mobile county, reported the same back to the Senate, and asked to be

discharged from the further consideration of the subject: whereupon, said committee were discharged, and the memorial referred to a select committee, composed of messrs. Dent, McConnell and Toulmin.

Mr. McConnell introduced a bill to be entitled an act for the relief of John N. Wills; which was read the first time, and ordered to a second reading.

Mr. Buford introduced a bill to give sureties the remedy of attachments; which was read the first time, rule suspended, read the second time forthwith, and referred to the committee on the judiciary.

Mr. Dent moved to reconsider the vote taken on yesterday, on a bill to authorize stay of execution where specie shall be demanded, and for other purposes:

For a reconsideration—messrs. Arrington, Baylor, Brindley, Buford, Dailey, Dent, Fleming, Foster, Hudson, Jones, McAllister, McConnell, Oliver, Rodgers, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. President, Creagh, Hunter, King, McClanahan, McVay, Moores, Phillips, Reese, Ross and Thornton.

So the vote was reconsidered.

On motion of Mr. Dent, the further consideration of the subject was postponed until Friday next, and made the special order for twelve o'clock of that day.

The Senate then proceeded to the consideration of the orders of the day.

Joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened, were read the second time, and referred to the committee on federal relations.

Mr. Thornton introduced a bill to hold, hereafter, an additional chancery court in the county of Greene: which was read the first time, rule suspended, read the second time forthwith, and ordered to be engrossed for a third reading.

Mr. Thornton introduced a bill to remove unnecessary delay, and avoid unnecessary expense, in suits in chancery: which was read the first time, rule suspended, read the second time forthwith, and referred to the committee on the judiciary.

On motion of Mr. Dailey, a bill to repeal the acts establishing separate chancery courts in this State, was taken from the table, and placed among the orders for to-morrow.

On motion of Mr. Phillips, a bill better to regulate judicial proceedings, was taken from the table, and referred to the committee on the judiciary.

Mr. Hudson introduced a bill to be entitled an act to secure more effectually to the people of this State, the attendance of the President and Directors of the Branch Bank of the State of Alabama at Mobile, at the banking house for the transaction of the business of the people of this State with said Bank; which was read the first time, rule suspended, read the second time, and referred to the committee on the State Bank.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed bills of the following titles, which originated in the Senate :

An act to revive an act entitled an act to incorporate the town of Fairfield, in the county of Pickens :

An act amendatory of an act therein named :

An act to establish a tobacco inspection in the city of Wetumpka :

An act to extend the provisions of an act approved December thirty-first, eighteen hundred and forty, entitled an act to establish jury trials in justices' courts in certain counties in this State, and to regulate the proceedings therein, to the counties of Butler and Pike :

An act explanatory of an act for the relief of Cassandra Kelley—and has amended the same as therein shown :

An act to impose additional duties on the Secretary of State and clerks of the county courts, and for other purposes :

An act to amend an act for the better regulation of steamboats :

And an act for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile—and has amended the same as therein shown.

The House has also passed a bill to be entitled an act to authorize the commissioners of sixteenth section, township seven, range two, east, in the St. Stephens' land district, to rescind a certain contract therein described.

In which the concurrence of your honorable body is respectfully asked.

The House bill to authorize the commissioners of sixteenth section, township seven, range two, east, &c. &c., was read the first time in the Senate, the rule suspended, read a second time, and referred to the judiciary committee.

The Senate concurred in the first amendment made by the House to the bill for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile; and on motion of Mr. Hudson, the further consideration of the subject was postponed till to-morrow.

Mr. Hunter, from the select committee, to which was referred a bill the better to secure and extend the debts due the Bank of the State of Alabama and its several Branches, reported the same back to the Senate, with the following amendments, and recommended also that the amendments adopted on the twentieth instant be stricken out. The sense of the Senate on the several propositions contained in the report of the committee, was taken on each one singly.

First amendment, strike out seventh section :

YEAS—messrs. President, Arrington, Bailey, Dent, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Baylor, Brindley, Buford, Creagh, Fleming and Walthall.

So the seventh section was stricken out.

Second amendment—strike out eighth section :

YEAS—messrs. President, Arrington, Baylor, Brindley, Creagh,

Dailey, Dent, Foster, Hudson, Hunter, King, McAllister, McConnell, McVay, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walthall and Watkins.

NAYS—messrs. Buford, Fleming, Jones, McClanahan, Moores, Oliver, Watrous, Wilson of F. and Wilson of J.

So the eighth section was stricken out.

Third amendment—insert the following section:

And be it further enacted, That in addition to the personal security required by section second of this act, it shall be the duty of the President and Directors of the State Bank and Branches, to require of every debtor proposing to avail himself of its benefits, a mortgage of personal or real estate sufficient to secure the same: *Provided*, that this section shall not be so construed, as to prevent any security of said debtor making the mortgage aforesaid.

For the adoption of this amendment:

YEAS—messrs. President, Arrington, Baylor, Brindley, Creagh, Dailey, Dent, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walthall and Watkins.

NAYS—messrs. Buford, Moores, Watrous, Wilson of F. and Wilson of J.

So the amendment was adopted.

Fourth amendment—Strike out section ten—motion to strike out lost.

Fifth amendment.—Strike out eleventh section:

YEAS—messrs. Arrington, Baylor, Creagh, Dailey, Hudson, Hunter, King, McClanahan, Phillips, Reese, Ross and Walthall.

NAYS—messrs. President, Brindley, Buford, Dent, Fleming, Foster, Jones, McAllister, McConnell, McVay, Moores, Oliver, Rodgers, Thornton, Toulmin, Watkins, Wilson of F. and Wilson J.

So the eleventh section was not stricken out.

Mr. Hudson offered the following amendment:

And be it further enacted, That all notes given under the provisions of this act, shall be made payable to the President and Directors of the Bank of the State of Alabama at Tuscaloosa, under the same rules and regulations, as though the debt or debts for which it may be given, had been due and owing to the said State Bank; but the curtailments as they may fall due shall be collected and received by the agent of said State Bank at the Banking House of the Bank, were the debts were originally contracted, any law or custom to the contrary notwithstanding—which was rejected.

On motion of Mr. Hunter, the blank in the second section was filled with "five." Vote as follows:

YEAS—messrs. President, Brindley, Creagh, Foster, Hunter, Jones, McConnell, McVay, Moores, Oliver, Reese, Rodgers, Ross, Thornton, Toulmin, Walthall, Watkins and Wilson of F.

NAYS—messrs. Arrington, Baylor, Dailey, Fleming, Hudson, King, McAllister, McClanahan, Phillips, Walker, Watrous and Wilson of J.

Mr. Hunter offered the following amendment—which was adopted:

Provided, That all debts falling due after the first day of June, eighteen hundred and forty-three, shall be extended within twenty days after maturity, and not thereafter.

And provided further, That no debt falling due after the said first day of June, eighteen hundred and forty-three, on which this extension may be asked, shall have a longer time for payment than four years from the said first day of June, eighteen hundred and forty-three.

On motion of Mr. Buford, the Senate then adjourned till ten o'clock, to-morrow.

WEDNESDAY, January 25, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson presented the account of Hogan and Lyon; which was referred to the committee on accounts and claims.

Leave of absence was granted to Mr. Moores for an indefinite period.

Mr. Ross, from the committee on enrolled bills, reported, that they have examined and find correctly enrolled, bills of the following titles, to wit:

An act to impose additional duties on the Secretary of State and clerks of the county courts, and for other purposes:

An act, amendatory of an act therein named:

An act, to revive an act, to incorporate the town of Fairfield, in the county of Pickens:

And an act to regulate the Branch of the Bank of the State of Alabama at Montgomery.

Mr. Phillips, from the committee on the judiciary, to which was referred a bill to incorporate the Fire Department Association of Mobile, reported the same back to the Senate, and recommended its passage.

The bill was then read and ordered to be engrossed.

Mr. Buford, from the judiciary committee, to which was referred a bill to enable Thomas S. Tate, to remove a certain estate, reported the same back to the Senate, with sundry amendments, and recommended its passage.

Which amendments were concurred in.

On motion of Mr. Buford, the constitutional rule was suspended, and the bill was then read the third time, and passed.

Mr. Buford, from the judiciary committee, to which was referred a bill concerning the office of clerk of Russell county and circuit courts, reported the same back to the Senate, and recommended its passage.

The bill was then read and ordered to be engrossed.

Mr. Phillips, from the judiciary committee, to which was referred a bill for the retrenchment of expenses in judicial proceedings, reported, that it is inexpedient to legislate upon the subject.

On motion of Mr. Baylor, the further consideration of the subject was postponed until Saturday next.

Mr. Phillips, from the judiciary committee, to which was referred a bill to alter and amend the eighteenth section of the fourth chapter of an

act regulating punishments under the penitentiary system,—reported that the Senate has passed a bill of the same purport, and that it is unnecessary to legislate further on the subject.

On motion of Mr. Phillips, the committee was discharged from the further consideration of the subject.

Mr. Phillips, from the judiciary committee, to which was referred a bill to perpetuate and keep in force, judgments and executions in certain cases,—reported that it is inexpedient to legislate on the subject.

On motion of Mr. Phillips, the committee was discharged from the further consideration of the subject.

Mr. Phillips, from the judiciary committee, to which was referred a bill regulating and prescribing the mode of settlement in Orphans' courts by executors, administrators, and guardians,—reported the same back to the Senate, and recommended its passage.

A bill to be entitled an act regulating and prescribing the mode of settlement in Orphans courts, by executors, administrators, and guardians, was then read the second time, and ordered to be engrossed.

Mr. Phillips, from the judiciary committee, to which was referred a bill further to amend the charter of the Life Insurance and Trust Company,—reported the same back to the Senate, and recommended its passage.

A bill to be entitled an act to amend the charter of the Life Insurance and Trust Company, was then read the second time, and ordered to be engrossed.

Mr. Fleming, from the committee on county boundaries, to which was referred a bill to repeal in part an act entitled, an act to attach a part of Benton county to Talladega county, and for other purposes, approved December twenty-third, one thousand eight hundred and thirty-six,—reported the same back to the Senate, and recommended its passage.

Mr. Walker offered the following amendment, viz.: Strike out all after the enacting clause, and insert the following—

That Asa W. Allen, of the county of Cherokee, and Spartan Allen, of the county of Benton, be, and they are hereby appointed commissioners to run and make out the county lines of Cherokee county, according to the act of the General Assembly establishing said county; and if upon the survey of the county boundaries of said county of Cherokee, it shall appear that said county does not contain nine hundred square miles, it shall hereupon be the duty of said commissioners to proceed forthwith to run off and mark out a sufficient quantity of the territory now called the Cut-off, in the county of Benton, which will be sufficient to make said county of Cherokee contain nine hundred square miles,—to commence at a point in the Coosa river near the mouth of Will's creek, and run from thence to the Georgia line.

Section 2. *And be it further enacted*, That the county lines of Cherokee county thus run and marked out by said commissioners, shall form and constitute the permanent lines of said county of Cherokee.

Section 3. *And be it further enacted*, That in the event said commissioners shall, from any cause fail to act, it shall be the duty of the

commissioners' court of roads and revenue, in the county where such vacancy may happen, forthwith to fill such vacancy.

Section 4. *And be it further enacted*, That said commissioners shall run and mark out the county boundaries of Cherokee, on or before the — day of —, next.

Section 5. *And be it further enacted*, That said commissioners shall take and subscribe an oath, faithfully to run said county lines fairly and justly—having due regard to the rights of both the counties.

Section 6. *And be it further enacted*, That in the event said commissioners cannot agree in running out the lines of the county of Cherokee, it shall be their duty to call to their aid the county surveyor of the county of Talladega, who shall decide the question of difference between them.

For the amendment—messrs. Creagh, Fleming, Jones, McAllister, McClanahan, McConnell, Oliver, Toulmin, Walker, Walthall, and Wilson of F.

NAYS—messrs. President, Arrington, Baylor, Brindley, Buford, Dailey, Dent, Foster, Hudson, Hunter, King, McVay, Phillips, Reese, Rodgers, Ross, Thornton, Watkins, Watrous, and Wilson of J.

So the Senate rejected the amendment.

The bill being read the third time, the yeas and nays were then called for on the passage of the bill:

YEAS—messrs. President, Arrington, Baylor, Brindley, Buford, Dailey, Dent, Fleming, Foster, Hudson, Hunter, King, McConnell, McVay, Phillips, Reese, Rodgers, Ross, Thornton, Walthall, Watkins, Watrous, and Wilson of J.

NAYS—messrs. Creagh, Jones, McAllister, McClanahan, Toulmin, Walker, and Wilson of F.

Ordered, that the title remain unchanged.

Mr. Walker, from the committee on federal relations, to which was referred joint resolutions to provide means by which the settlers on the public lands in the State of Alabama, may enter their homes,—reported the same back to the Senate, and recommended its passage.

Mr. Creagh moved to lay the same on the table.

On motion of Mr. Hudson, the further consideration of the resolutions was postponed until Thursday next.

(Mr. Baylor in the Chair.) Mr. Hudson, from the committee on federal relations, to which was recommitted joint resolutions of the General Assembly of Alabama, in relation to a Protective Tariff, and other subjects,—reported the same back to the Senate, without amendment; with the expression of the opinion that it is inexpedient to pass the same, inasmuch as the present Congress has already been instructed by similar resolutions, emanating from the Legislature of Alabama. The committee ask therefore to be discharged from the further consideration of the subject.

For concurring in the report of the committee—messrs. Arrington, Buford, Dent, Hudson, Hunter, Jones, King, Oliver, Phillips, Reese, Ross, Thornton, Watkins, and Watrous.

NAYS—messrs. President, Baylor, Brindley, Creagh, Dailey, Flem-

ing, Foster, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walker, Walthall, Wilson of F. and Wilson of J.

So the report was not concurred in by the Senate.

Mr. Terry moved the reference of the resolutions to a select committee, and called for the yeas and nays:

YEAS—messrs. President, Baylor, Dailey, Fleming, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Rodgers and Walker.

NAYS—messrs. Arrington, Brindley, Buford, Creagh, Dent, Hunter, Jones, King, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Walthall, Watkins, Watrous, Wilson of F. Wilson of J.

So the Senate refused to refer to a select committee.

The motion was then made to lay the resolutions on the table:

YEAS—messrs. Arrington, Baylor, Buford, Dent, Hudson, Hunter, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Watkins, Watrous and Wilson of F.

NAYS—messrs. President, Creagh, Dailey, Fleming, Foster, McClanahan, McVay, Rodgers, Toulmin, Walker, Walthall, and Wilson of J.

So the joint resolutions were laid on the table.

Mr. Baylor, from the committee on education, to which was referred a bill to be entitled an act, to secure the sixteenth section fund now held by the Bank of the State of Alabama and the several Branches thereof—reported the same back to the Senate, with the opinion that it is inexpedient to legislate on the subject.

On motion of Mr. Hudson, the report was laid on the table:

YEAS—Messrs. President, Arrington, Brindley, Creagh, Dent, Fleming, Hudson, Jones, McAllister, McClanahan, McVay, Phillips, Ross, Walthall and Wilson of J.

NAYS—messrs. Baylor, Buford, Dailey, Foster, King, Oliver, Rodgers, Thornton, Toulmin, Watkins and Wilson of F.

So the report was laid on the table.

On motion of Mr. Hudson, the bill was recommitted to the committee on education, with instruction to report the same back to the Senate to-morrow.

Mr. Walthall, from the select committee, appointed to divide the State into seven Congressional districts—reported, that the committee have framed a bill in obedience to the resolution adopted by the Senate, instructing the committee to draft a bill in relation to the white population alone; which bill is herewith submitted for the consideration of the Senate.

A bill, to be entitled an act to divide the State of Alabama into seven Congressional districts, was then read the first time, and ordered to a second reading on to-morrow.

Mr. Foster introduced a joint resolution, authorizing the Branch Banks at Mobile and Decatur, to pay out their own issues in aid of valueless sixteenth sections, for the year eighteen hundred and forty-two; which was read, and the rule being dispensed with, had the second and third readings forthwith, and passed.

For the passage—messrs. President, Baylor, Brindley, Creagh, Dailey, Dent, Fleming, Foster, Hudson, Jones, King, McClanahan, McAllister,

McConnell, McVay, Oliver, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watkins, Watrous and Wilson of J.

NAYS—messrs. Arrington Buford, Hunter and Phillips.

Ordered, that the title remain unchanged.

Mr. Dent, from the select committee, to which was referred the memorial of Charles Bancroft and numerous other citizens of Mobile county, in behalf of Philemon Waters, Francis LeFever and James F. Cunningham—reported the same back to the Senate, with a bill, to be entitled an act, for the relief of Philemon Waters, and others; which was read the first time, and ordered to a second reading.

On motion, the Senate then adjourned till to-morrow, ten o'clock.

THURSDAY, January 26th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Brindley presented the petition of sundry citizens of Blountsville; which was referred to a select committee, of messrs. Brindley, Toulmin, and Wilson of J.

Mr. Brindley, afterwards reported, that said committee had framed a bill in accordance with the prayer of the petitioners; which was then submitted to the Senate.

A bill, to be entitled an act, to repeal in part an act to incorporate the town of Blountsville, in Blount county, approved, December, twentieth, eighteen hundred and thirty-seven; was read the first time, and the rule dispensed with, and the bill, forthwith read the second and third times, and passed.—Ordered that the title remain unchanged; and that the Secretary forthwith report the same to the House of Representatives, for its concurrence.

Mr. King, from the committee on education, to whom was recommitted a bill to secure the sixteenth section fund, now held by the Bank of the State of Alabama and the several Branches thereof—reported, a substitute bill, to be entitled an act, authorizing the withdrawal of the sixteenth section fund, now held by the Bank of the State of Alabama and its several Branches—which substitute was adopted by the Senate.

The bill was then read the second time, and ordered to be engrossed.

Mr. Dailey offered the following resolution:

Resolved, That the committee on the judiciary, be instructed to inquire into the propriety of passing a law or joint resolutions, to be submitted to the people of this State, as to the policy of having only biennial, instead of annual sessions of the legislature.

Mr. Hudson moved to lay the resolution on the table, and demanded the yeas and nays thereon:

YEAS—messrs. President, Arrington, Baylor, Brindley, Creagh, Dent, Hudson, Hunter, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Thornton, Toulmin, Walthall and Watrous.

NAYS—messrs. Dailey, Fleming, Foster, Rodgers, Walker, Watkins, Wilson of F. and Wilson of J.

So the resolution was laid upon the table.

Mr. Walthall offered the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Representative Hall for the purpose of electing a President and three Directors of the Branch of the Bank of the State of Alabama, at Mobile, upon Saturday, the twenty-eighth instant, at the hour of twelve o'clock, M.

Which resolution was adopted by the Senate.

Mr. Hudson presented the account of A. R. Thomas, the reading of which was dispensed with, and referred to the committee on accounts and claims.

A message from the Governor, by Mr. Garrett, Secretary of State:

Mr. President—His Excellency, the Governor, has approved bills to be entitled:

An act to incorporate the town of Goldville, in the county of Tallapoosa:

An act authorizing Thomas M. Cowles, to take out letters of administration in the county of Montgomery.

Which originated in the Senate.

A message from the House, by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill to be entitled:

An act to pay certain contracts for teaching common schools:

And have amended the same as therein shown—in which the concurrence of the Senate is requested.

Also, a bill to incorporate the Warrior manufacturing company—and have amended the same as therein shown.

In which they ask the concurrence of the Senate.

The amendment by the House, to the bill to be entitled an act explanatory of an act for the relief of Cassandra Kelly, to insert “such” after “that” in the tenth line, was concurred in.

The amendment by the House, to the bill to be entitled an act to incorporate the Warrior manufacturing company, in these words: “*And be it further enacted*, That nothing in this act shall operate to authorize the erection of any mill, buildings or appurtenances, which shall obstruct the navigation of the Black Warrior river,” was concurred in.

The first amendment by the House, to the bill to be entitled an act to pay certain contracts for teaching common schools, in these words: strike out these words, “not placed in a state of liquidation,” in the first section, was concurred in by the Senate.

The Senate refused to concur in the second amendment made by the House, proposing to strike out the second and third sections of the bill, and to insert other sections in lieu thereof:

YEAS—messrs. Arrington, Buford, King, McConnell, Reese and Walthall.

NAYS—messrs. President, Baylor, Brindley, Creagh, Dailey, Dent, Fleming, Foster, Hudson, McAllister, McClanahan, McVay, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walker, Watkins, Watrous, Wilson of F. and Wilson of J.

Mr. Ross reported that the committee on enrolled bills had examined and found correctly enrolled, bills of the following titles:

An act to establish a tobacco inspection in the city of Wetumpka:

And an act to amend an act for the better regulation and management of steamboats.

A message from the House, by Mr. Clitherall:

Mr. President—The House of Representatives has passed the following bills:

A bill to be entitled an act to authorize the commissioner's court of roads and revenue, of Sumter county, to raise by taxation, the sum of ten thousand dollars, in pursuance of the provisions therein named.

A bill to divorce Joseph H. Scruggs, from his wife Virginia Scruggs:

A bill to divorce Harriet Spriggs, from her husband, Erastus L. Spriggs:

A bill to be entitled an act to divorce Jane S. Wheeler, from her husband, Charles S. Wheeler:

A bill fixing the time of holding justices' courts, in the county of Shelby, and establishing jury trials in the same:

Joint resolutions in relation to the sixteenth section, township twenty, range eighteen:

A bill to divorce Jane Harden, from John B. Harden:

And a bill relative to the records of Henry county.

In which the concurrence of the Senate is asked.

A bill to be entitled an act to authorize the commissioner's court of roads and revenue, of Sumter county, to raise by taxation the sum of ten thousand dollars, was read the first time—and the constitutional rule being suspended, it was read the second and third times, and passed.

Ordered, that the title remain unchanged.

The following bills:

A bill to be entitled an act to divorce Jane Harden, from her husband John B. Harden:

An act to divorce Jane S. Wheeler, from her husband, Charles J. Wheeler:

An act to divorce Harriet Spriggs, from her husband, Erastus L. Spriggs:

And, an act to divorce Job H. Scruggs, from his wife, Virginia Scruggs:

Were severally read the first time, and the constitutional rule being suspended, were severally read the second, and referred to the committee on divorce and alimony.

A bill to be entitled, an act fixing the time of holding the justices' courts in the county of Shelby, and to establish jury trials in said county, was read the first time, and ordered to a second reading.

Joint resolutions in relation to the sixteenth section, township twenty, range eighteen, were read the first time, and the constitutional rule being suspended, they were read the second time, and referred to the committee on education.

A bill relative to the records of Henry county, was read the first time, and ordered to a second reading.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill from

the Senate, to authorize the investment of the school fund, of township four, range three, in the county of Limestone.

And a bill from the Senate for the relief of the purchasers of a portion of the sixteenth section, in township seventeen, range two, east, in the county of Marengo; and have amended the same as therein shown.

In which the concurrence of the Senate is respectfully asked.

The amendments were concurred in by the Senate.

A message by Mr. Clitherall:

Mr. President—The House has originated and passed bills of the following titles:

An act concerning juries for the counties of Walker and Marion:

An act for the support of paupers in the county of Walker:

And an act to amend an act to create a certain county therein named, and for other purposes, approved, December thirty-first, eighteen hundred and forty-one.

In which the concurrence of the Senate is requested.

These bills were severally read the first time in the Senate, and ordered to a second reading on to morrow.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed bills of the following titles:

An act to divorce certain persons therein named:

An act to divorce Caroline Ritchie, from her husband, Anthony Ritchie:

And joint resolutions in relation to a sixteen section therein named.

In which the concurrence of the Senate is respectfully asked.

Which were severally read the first time, and the constitutional rule being suspended, they were read the second time and the bills referred to the committee on divorce and alimony, and the joint resolutions to the committee on education.

Mr. Baylor, from the select committee, to which was referred joint resolutions, proposing amendments to the constitution of Alabama, in relation to the establishment of Banks, reported the same back to the Senate with the following amendment:

And be it further Resolved, by the authority aforesaid, That the following amendment to the constitution of the State of Alabama, be also propounded to the people of said State, which, when agreed to by a majority of all the qualified voters of said State, voting for representatives, and ratified by two thirds of each House of the next General Assembly, voting by yeas and nays, shall be valid to all intents and purposes whatsoever, as a part of the constitution of the State of Alabama, to wit:

“No debt shall be created by the General Assembly for any purpose whatsoever, until a law shall have been passed for that purpose, specifying the objects for which it is proposed to create the same, together with the amount of such debt, which law shall be submitted to the people at the next general election for Senators and Representatives, and if the same shall be approved by a majority of the qualified electors, and ratified by the next succeeding General Assembly, it shall become a valid

On motion of Mr. Creagh, the joint resolution and proposed amendment was indefinitely postponed.

For the postponement—Messrs. President, Arrington, Creagh, Dent, Hudson, Jones, King, McAllister, McConnel, McVay, Oliver, Reese, Rodgers, Ross, Thornton, Toulmin, Walthall and Watrous.

NAYS—messrs. Baylor, Brindley, Buford, Dailey, Fleming, Foster, Hunter, McClanahan, Phillips, Walker, Watkins, Wilson of F. and Wilson of J.

The Senate proceeded to the consideration of the orders of the day.

The second amendment made by the House to the Senate bill for the final settlement of the affairs of the Planters and Merchants Bank at Mobile, being first in order:

Mr. Toulmin offered the following amendment to the amendment, to come in after the word "require," in the twenty-seventh line of the amendment: "*Provided*, no stockholder of said Bank shall be a juror to try the issue above mentioned;" which was adopted.

Mr. Hudson proposed further to amend by the following: "*Provided*, That this corporation shall cease to exist as a Bank upon the issuance of a *scire facias*, until the facts hereinbefore stated be settled and determined by the court aforesaid, except for the purposes of collecting the debts of said Bank and taking care of its effects;" which was adopted.

Mr. McVay offered further to amend the amendment, by striking out the words, "the tenth judicial circuit," and inserting in lieu thereof, "the judicial circuit in which Mobile may be situated;" which was adopted.

Mr. Baylor offered further to amend the amendment, by inserting, immediately after the amendment of Mr. McVay, the following: "Upon being required by the Governor of the State of Alabama, whose duty it shall be so to direct."

On motion of Mr. Hudson, the amendments of the House, together with the amendments made by the Senate thereto, were referred to a select committee, consisting of Messrs. Hudson, Baylor and Phillips.

A bill the better to secure and extend the debts due the Bank of the State of Alabama and its several Branches, was read the third time and passed.

Ordered, that the title remain unchanged.

For the passage of the bill—Messrs. Arrington, Brindley, Buford, Dailey, Dent, Foster, Hunter, Jones, McAllister, Oliver, Phillips, Rodgers, Ross, Thornton, Watkins, Watrous and Wilson of F.

NAYS—messrs. President, Baylor, Creagh, Fleming, Hudson, McClanahan, McConnell, McVay, Reese, Toulmin, Walker, Walthall and Wilson of J.

Joint resolutions in relation to the traffic in bills of exchange by the State Bank and Branches, was read the third time and passed.

For its passage—Messrs. President, Arrington, Baylor, Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Oliver, Ross, Thornton, Toulmin, Walker, Walthall, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Jones, Phillips, Reese and Rodgers.

A bill to be entitled an act to authorize the President and Directors of the Bank to appoint agents was read the second time.

Mr. Terry offered the following amendment: "And the President and Directors of each Branch thereof," to come in after the word "Alabama," in the eighth line; which was adopted:

YEAS—messrs. President, Arrington, Creagh, Dailey, Fleming, Foster, Hunter, McAllister, McClanahan, McConnell, McVay, Oliver, Rodgers, Ross, Thornton, Walker, Walthall, Watkins, Winson of F. and Wilson of J.

NAYS—messrs. Baylor, Brindley, Buford, Dent, Hudson, Jones, King, Phillips, Reese, Toulmin and Watrous.

Mr. Walthall offered the following amendment:

"*Be it further enacted*, That the agent or agents appointed under the provisions of this act shall make monthly returns of all moneys collected by him or them, and should him or they fail or refuse so to do, he or they shall be liable on his or their bond, and his or their agency shall cease; and the President and Directors of said Bank or Banks shall appoint an agent or agents to fill such vacancy or vacancies, and the said defaulting agent or agents shall return all papers and evidences of debt, in their possession to the President and Directors of said Bank."

Mr. Hudson moved to refer the bill and amendment to the committee on the State Bank.

Mr. Jones offered the following amendment, to accompany the bill and amendment to the committee:

"And the respective boards shall notify the boards of the other Banks of their respective appointments."

Mr. Hudson's motion was carried.

A bill to be entitled an act to loan a portion of the two per cent fund, to the Montgomery and West Point Rail Road Company, was read the second time and referred to the committee on inland navigation and internal improvement.

A bill to be entitled an act for the relief of John A. Wells, was read the second time and referred to a select committee, composed of messrs. McConnell, Fleming and Walthall.

A bill to be entitled an act to hold hereafter, an additional chancery court in the county of Greene, was on its third reading.

Mr. Toulmin offered the following, by way of engrossed ryder:

"Section — *Be it further enacted*, That the chancery courts for the first district of the Southern Division, shall be held in the city of Mobile, on the first Monday in April in each and every year, and may continue in session three weeks if necessary."

Which was adopted.

The bill was then read the third time and passed.

Ordered, that the title remain unchanged.

A bill to be entitled an act to repeal the acts establishing separate chancery court in this State.

Mr. Phillips moved its indefinite postponement:

YEAS—messrs. Arrington, Brindley, Creagh, Hunter, Jones, King,

Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Walker, Watkins, and Watrous.

NAYS—messrs. President, Baylor, Buford, Dailey, Dent, Fleming, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Rodgers, Walthall, Wilson of F. and Wilson of J.

So Mr. Phillips' motion to postpone indefinitely was lost.

Mr. Dailey offered the following amendment:

“Provided further, That all suits now pending in the chancery courts shall be tried by the Judges of the several circuit courts, and shall be tried in the counties from which they severally originated.”

Which amendment was lost.

Mr. Buford moved that the bill lie on the table, and demanded the yeas and nays thereon:

YEAS—messrs. Arrington, Brindley, Buford, Creagh, Hunter, Jones King, Oliver, Reese, Ross, Thornton, Toulmin, Walker and Watrous.

NAYS—messrs. President, Baylor, Dailey, Dent, Fleming, Foster Hudson, McAllister, McClanahan, McConnell, McVay, Phillips, Rodgers, Walthall, Watkins, Wilson of F. and Wilson of J.

So the Senate refused to lay the bill on table.

The bill was then ordered to be engrossed.

A bill to be entitled an act to incorporate the Fire Department Association of Mobile, was then read the third time and passed.

Ordered, that the title be as aforesaid.

A bill to be entitled an act regulating and prescribing the mode of settlement in Orphans' courts, by executors, administrators and guardians, was read the third time and passed.

Ordered, that the title be as aforesaid.

A bill to be entitled an act to amend the charter of the Alabama Life Insurance and Trust company, was read the third time and passed.

Ordered, that the title be as aforesaid.

A bill to be entitled an act to divide the State of Alabama into seven congressional districts, was read the second time.

Mr. Watrous offered the following amendment, viz:—strike out “Coosa,” from the third and add it to the seventh congressional district, and demanded the yeas and nays:

YEAS—messrs. Arrington, Buford, Hunter, King, Oliver, Phillips Reese, Ross, Thornton, Watkins and Watrous.

NAYS—messrs. President, Baylor, Brindley, Creagh, Dailey, Fleming, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walthall, Wilson of F. and Wilson of J.

So Mr. Watrous' amendment was rejected.

The yeas and nays were called upon a motion to adjourn until to-morrow at ten o'clock:

YEAS—messrs. Baylor, Brindley, Buford, Dent, King, Phillips Reese, Thornton, Watkins and Watrous.

NAYS—messrs. President, Arrington, Creagh, Dailey, Fleming, Foster, Hudson, Hunter, Jones, McAllister, McClanahan, McConnell, McVay, Oliver, Rodgers, Ross, Toulmin, Walker, Walthall, Wilson of F. and Wilson of J.

So the Senate refused to adjourn till ten o'clock, to-morrow.

The yeas and nays were then taken upon a motion to adjourn until three o'clock, this afternoon:

YEAS—messrs. Arrington, Creagh, Dailey, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, Oliver, Rodgers, Ross, Toulmin, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. President, Baylor, Brindley, Buford, Dent, Fleming, Foster, McVay, Phillips, Reese, Thornton, Walker, Walthall and Watkins.

Mr. President then declared the Senate adjourned until this evening, three o'clock.

THURSDAY AFTERNOON, three o'clock.

The Senate met pursuant to adjournment—and resumed the consideration of the bill to divide the State of Alabama into seven congressional districts.

Mr. Creagh moved to strike out the third section and insert in lieu thereof, the following amendment:

Be it further enacted, That the qualified electors in each district in this State shall have a right to vote for the candidates for Congress in each of the respective districts, and the persons having a majority of the whole number of qualified electors in the State shall be the member for the respective district in which they are candidates.

And demanded the yeas and nays thereon:

YEAS—messrs. President, Baylor, Brindley, Creagh, King, McAllister, McClanahan, Rodgers, Toulmin, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Buford, Dailey, Fleming, Foster, Hudson, Hunter, McConnell, McVay, Oliver, Phillips, Reese, Ross, Thornton, Walker, Walthall and Watkins.

So the amendment was lost.

Mr. McClanahan moved to strike out "Morgan and Walker." from the fifth district and add them to the sixth; and to strike out "Madison" from the sixth and add it to the fifth district—upon which he demanded yeas and nays:

YEAS—messrs. Arrington, Brindley, Buford, Hunter, King, McClanahan, Oliver, Phillips, Reese, Ross, Thornton, Watkins, Watrous, and Wilson of J.

NAYS—messrs. President, Baylor, Creagh, Dailey, Fleming, Foster, Hudson, McAllister, McConnell, McVay, Rodgers, Toulmin, Walker, Walthall, and Wilson of F.

So the motion was lost.

The question then recurred upon ordering the bill to be engrossed.

YEAS—messrs. President, Baylor, Brindley, Dailey, Fleming, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walker, Walthall, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Buford, Creagh, Hunter, King, Oliver, Phillips, Reese, Ross, Thornton and Watrous.

So the bill was ordered to be engrossed.

Joint resolutions to provide means by which the settlers on the public lands in the State of Alabama may enter their homes were read the third time and passed.

Ordered, that the title remain unchanged.

A bill to be entitled an act for the relief of Philemon Waters and others, was read the second time, and on motion of Mr. McConnell, postponed until to-morrow.

A bill to be entitled an act concerning the office of clerk of Russell county and circuit courts, was read the third time and passed.

Ordered, that the title remain unchanged.

This completed the orders of the day.

Mr. Ross, from the committee on enrolled bills, reported, that they have examined, and find correctly enrolled:

An act to authorize the investment of the school fund of township four, range three, in the county of Limestone.

Mr. Ross offered the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby authorized to employ assistance to aid in keeping up the Journal, and in the performance of such other duties appertaining to the office as he may deem necessary, during the remainder of the present session of the General Assembly—which was unanimously adopted.

Mr. Phillips introduced a bill, to be entitled an act, for the relief of Thomas H. Wiley; which was read the first time, and ordered to a second reading on to-morrow.

On motion, the Senate then adjourned until ten o'clock, to-morrow.

FRIDAY, January 27, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Ross, from the committee on enrolled bills, reported, that they have examined and find correctly enrolled, bills of the following titles, to wit:

An act, explanatory of an act, for the relief of Cassandra Kelly:

Joint resolutions, to provide means by which the settlers on the public lands, in the State of Alabama, may enter their homes:

An act to repeal in part an act, entitled an act, to attach a part of Benton county to Talladega county, and for other purposes, approved twenty-third December, eighteen hundred and thirty-six.

Mr. Foster presented the petition of sundry citizens of Cherokee county for the relief of Henry Lawrence, tax collector of Cherokee county, for the year eighteen hundred and forty-two; which was referred to a select committee, composed of messrs. Foster, McVay and Fleming.

Mr. Hunter presented the petition of John Irwin, of the county of Lowndes, praying permission to erect gates on a public road at its intersection with his farm; which was referred to the committee on roads, bridges and ferries.

Mr. McVay, from the committee on propositions and grievances, to which was referred a bill, to be entitled an act, to confirm the emancipation of a certain slave therein named, and recommended its passage.

Mr. Phillips moved to postpone the bill indefinitely, and demanded the yeas and nays thereon:

YEAS—messrs. Dent and Phillips.

NAYS—messrs. President, Arrington, Baylor, Brindley, Creagh, Dailey, Fleming, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Reese, Rodgers, Ross, Toulmin, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J.

So the motion of Mr. Phillips to indefinitely postpone, was lost.

Mr. Hudson moved that the preamble be amended by striking out all after the word "master" in the tenth line; which was carried.

The bill was then read the second time, and ordered to be engrossed.

Mr. Watrous, from the committee on divorce and alimony, to which was referred an engrossed bill from the House of Representatives, to divorce Jane Hardin from her husband, John B. Hardin, reported the same back to the Senate, and recommended its passage.

The bill then had its third reading, and the yeas and nays were demanded on its passage:

YEAS—messrs. President, Arrington, Baylor, Brindley, Fleming, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Creagh, Dent, Dailey, Foster and Reese.

Ordered, that the title be as aforesaid.

Mr. Watrous, from the committee on divorce and alimony, to which was referred the engrossed bill from the House, to divorce Job H. Scruggs from his wife, Virginia Scruggs, reported the same back to the Senate, and recommended its passage; the charge of abandonment and refusal to return being established.

The bill was then the third time, and passed.

Ordered that the title remain unchanged.

Mr. Watrous, from the committee on divorce and alimony, to which was referred an engrossed bill from the House, to divorce Caroline Ritchie from her husband, Anthony Ritchie—reported the same back to the Senate, and recommended its passage.

The bill was read the third time, and passed.

Ordered, that the title remain unchanged.

Mr. McConnell, from the select committee, to which was referred a bill for the relief of John N. Wills—reported the same back to the Senate, with an amendment, extending the benefit of the same to William Cameron, and thus amended, recommended its passage: which amendment was concurred in.

The bill was then ordered to be engrossed.

Mr. McConnell, introduced the following preamble and joint resolutions:

Whereas, doubts are entertained by the Warden of the Penitentiary, whether the relief granted George H. Garrett, was general; and whereas, the Warden in the discharge of his duty, under the Penal Code, proceeded to institute proceedings against the said Garrett for an escape, and he

is now held to bail to answer the State of Alabama, at the spring term of the Coosa circuit court for said offence:

Be it therefore resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the said George H. Garrett be, and he is hereby released from said prosecution.

On motion of Mr. McConnell, the constitutional rule was suspended, and the bill was then read the second time.

On motion of Mr. McConnell, the bill was laid on the table.

Mr. Brindley introduced a bill, to be entitled an act, for the benefit of Jesse Cheeke; which was read the first time, and ordered to a second reading.

Mr. Ross reported that the committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit:

An act to authorize the commissioners court of roads and revenue of Sumter county, to raise by taxation, the sum of ten thousand dollars, in pursuance of the provisions therein named:

And, an act for the relief of Joseph Lowery and others:

An act to incorporate the Warrior Manufacturing Company:

A message by Mr. Clitherall:

Mr. President—The House of Representatives has originated and passed bills of the following titles:

An act to incorporate the Columbia Male and Female Institute in Henry county:

An act to compensate the commissioners of roads and revenue in Marion county:

An act to amend an act entitled an act to incorporate the Oak Bowery Male and Female Academy:

An act respecting roads in the county of Fayette:

An act for the benefit of the sixteenth section, township sixteen, range twelve Dallas county:

An act for the relief of sundry citizens of Walker county:

An act relative to justices courts in the county of Marshall:

An act to authorize the commissioners of sixteenth section, of township twelve, range four, east, in the Demopolis Land District, to rescind a contract therein described:

An act to incorporate the Montgomery Hook and Ladder Company:

An act to amend an act entitled an act to authorize the sale of property at the town of Fairfield, in Pickens county; and also, at Greensborough, in the county of Greene, approved December thirty-first, one thousand eight hundred and forty-one:

And an act to alter and amend the road law as to the county of Marion:

The House has also adopted the resolution from the Senate proposing to elect a President and three Directors for the Branch Bank at Mobile, on Saturday, twenty-eight instant, at twelve o'clock, M., and have amended the same, by striking out the words "Saturday the twenty-eighth instant, at the hour of twelve M.," and inserting in lieu thereof, the following: "Tuesday next, at three o'clock, P. M.," and ask the concurrence of the Senate in the same.

In which amendment the Senate concurred.

The above recited acts were severally read the first time in the Senate, and ordered to a second reading on to-morrow.

A message by Mr. Clitherall:

Mr President—The House of Representatives has originated and passed bills of the following titles, to wit:

An act for the relief of the legal representatives of John Scott, sen. deceased.

An act to compensate Adam Zimmerman for two slaves executed in pursuance of law.

An act for the relief of Charles Stone and his wife Mary S:

And an act authorizing Samuel P. Jones to draw a certain sum of money therein named:

In which the concurrence of the Senate is respectfully asked.

The above recited bills were then severally read the first time in the Senate, on motion the constitutional rule was suspended, the bills were severally read the second time and referred to the appropriate committees.

An act authorizing Samuel P. Jones to draw a certain sum of money therein named—referred to the committee on accounts and claims:

An act for the relief of Charles Stone and his wife Mary S.,—referred to the committee on divorce and alimony:

An act to compensate Adam Zimmerman for two slaves executed in pursuance of law—referred to the committee on accounts and claims.

An act for the relief of the legal representatives of John Scott, sen. deceased—referred to the committee on education.

Mr. McClanahan introduced a bill to be entitled an act to revive an act therein named; which was read the first time, and the constitutional rule being suspended, it was read the second time, and referred to the committee on roads, bridges and ferries.

Mr McConnell offered joint resolutions in relation to section sixteen, township nineteen, range three, east, in the county of Talladega; which was read the first time and ordered to a second reading

Mr. Toulmin introduced a bill to be entitled an act in relation to recognizances in criminal cases; which was read the first time, and the constitutional rule being suspended, was read the second time, and referred to the judiciary committee.

The hour of twelve o'clock being announced, the Senate proceeded to the consideration of the special order of the day.

A bill to be entitled an act to authorize the stay of executions where specie shall be demanded and for other purposes:

The question being on the passage of the bill, the yeas and nays were called for:

YEAS—messrs. Arrington, Brindley, Dent, Fleming, Foster, Jones, McAllister, McConnell, Rodgers, Walthall, Watkins and Wilson of J.

NAYS—messrs President, Baylor, Buford, Creagh, Dailey, Hudson, Hunter, King, McClanahan, McVay, Oliver, Phillips, Reese, Thornton, Toulmin and Wilson of F.

So the bill was lost.

The Senate then proceeded to the consideration of the orders of the day.

Bills of the following titles were severally read the third time and passed:

An act to divide the State of Alabama into seven congressional districts:

For the passage of the bill—messrs. Baylor, Brindley, Dailey, Fleming, Foster, Hudson, Jones, McClanahan, McConnell, McVay, Walthall, Wilson of F. and Wilson of J—13.

NAYS—messrs. President, Arrington, Creagh, Dent, Hunter, King, McAllister, Oliver, Phillips, Reese, Ross, Thornton, Watkins and Watrous—14

So this bill was lost.

An act authorizing the withdrawal of the sixteen section fund, now held by the Bank of the State of Alabama and its several Branches.

Mr. Jones moved to refer the bill to a select committee; which was lost:

For the passage of the bill—messrs. President, Arrington, Brindley, Creagh, Dent, Fleming, Foster, Hudson, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Thornton, Walthall, Watkins and Wilson of J

NAYS—messrs. Dailey, Hunter, Jones, Rodgers, Toulmin and Wilson of F.

An act to amend an act to create a certain county therein named, and for other purposes, approved December thirty-first, eighteen hundred and forty-one, being on its second reading on motion of Mr. Hudson, the constitutional rule was suspended, and the bill forthwith read the third time and passed

Ordered, that the titles of the foregoing bills remain unchanged.

Engrossed bills from the House, of the following titles, were severally read the second time, and ordered to a third reading on to morrow:

An act fixing the time of holding justices' courts in the county of Shelby, and to establish jury trials in said county:

An act relative to the records of Henry county:

An act concerning juries for the counties of Walker and Marion:

An act for the support of paupers in the county of Walker.

Bills of the following titles, were severally read the second time, and ordered to be engrossed:

An act for the relief of Philemon Waters and others:

For the engrossment of the bill—messrs. President, Brindley, Dailey, Dent, Foster, Jones, King, McAllister, Oliver, Ross, Toulmin, Walthall and Watkins.

NAYS—messrs. Arrington, Creagh, Fleming, Hudson, McClanahan, McVay, Reese, Rodgers, Watrous, Wilson of F. and Wilson of J.

An act for the relief of Thomas H. Wiley was read the second time:

Mr. McVay moved the indefinite postponement of the bill:

YEAS—messrs. Baylor, Brindley, Dailey, Dent, Hudson, McClanahan, McVay, Rodgers, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. President, Arrington, Creagh, Fleming, Foster, Hun-

ter, Jones, King, McAllister, Oliver, Phillips, Reese, Ross, Toulmin, Walthall and Watkins.

So **MR McVay's** motion was lost, and the bill ordered to be engrossed.

An act to repeal the acts establishing separate chancery courts in this State, was on its third reading :

Mr. Toulmin offered the following amendment, by way of engrossed ryder :

Sec 2. Be it further enacted, That the office of master and register in chancery, in Mobile county, shall continue as now established ; and whenever a vacancy shall occur in the said office of master and register in chancery, the judge of the circuit court, in which Mobile is situate, shall proceed to fill the vacancy, in the same manner as the chancellor is now authorized by law to do

Mr Hudson offered the following amendment, to the amendment of **Mr. Toulmin** :

Provided, however, that the provisions of this act shall not take effect until after the expiration of the term of the present chancellors.

On motion of **Mr. Jones**, the bill and amendments were indefinitely postponed.

YEAS—messrs. Arrington, Brindley, Buford, Creagh, Fleming, Hunter, Jones, King, Oliver, Phillips Reese, Ross, Rodgers, Thornton, Toulmin, Walthall, Watkins and Watrous

NAYS—messrs. President, Baylor, Dailey, Dent. Foster. Hudson, McAllister, McClanahan, McConnell, McVay, Wilson of F. and Wilson of J

A message by **Mr Garrett** :

Mr. President—His Excellency the Governor has approved bills of the following titles :

An act to establish a tobacco inspection in the city of We umpka :

An act to authorize an investment of the school fund of township four, range three, in the county of Limestone :

An act to amend an act for the better regulation and management of steamboats :

An act explanatory of an act for the relief of Cassandra Kelley :

An act to impose additional duties on the Secretary of State and clerks of the county courts, and for other purposes :

An act amendatory of an act therein named :

An act to revive an act entitled an act to incorporate the town of Fairfield, in the county of Pickens :

Which originated in the Senate.

The following communication was received by **Mr. Garrett**, Secretary of State :

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, Jan. 27, 1843. }

Gentlemen of the Senate and House of Representatives :

In pursuance of an act for the regulation of the Branch of the Bank of the State of Alabama at Mobile, approved January twenty-first, eighteen hundred and forty-three, I have the honor to nominate to your honorable bodies the following named gentlemen, to wit: James S.

Deas, Tristram B. Bethea, Robert L. Walker, Seaborn Travis, William P. Gould, Calvin Norris and Sanford Cooly, as fit persons for Directors of the Branch of the Bank of the State of Alabama at Mobile, for the year eighteen hundred and forty-three.

(Signed,)

BEN. FITZPATRICK.

On motion of Mr. Watkins, the Senate then adjourned until ten o'clock, to-morrow.

SATURDAY, January 28, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Ross reported that the committee on enrolled bills have examined, and find correctly enrolled, bills of the following titles :

An act to extend the provisions of an act approved December thirty-first eighteen hundred and forty-one, entitled an act to establish jury trials in justices' courts in certain counties in this State, and to regulate the proceedings therein, to the counties of Butler and Pike.

An act for the relief of the purchasers of a part on of the sixteenth section, in township seventeen, range two, east, in the county of Marengo:

An act to repeal an act requiring the Governor of the State to reside at the seat of government during the interval of the Legislature:

Also, joint resolutions authorizing the Branch Banks at Mobile and Decatur, to pay out their own issues in aid of valueless sixteenth sections, for the year one thousand eight hundred and forty-two.

(Mr. Fleming in the Chair.) Mr. McAllister moved to reconsider the vote taken yesterday, on the passage of the bill to divide the State into seven Congressional districts; which was carried.

Mr. King moved to recommit the bill to the committee, with instructions to strike Coosa from the third district and to add it to the seventh,—and called for the yeas and nays thereon:

YEAS—messrs. Arrington, Brindley, Buford, Dent, Hunter, King Oliver, Phillips, Reese, Ross, Thornton, and Watrous.

NAYS—messrs. President, Baylor, Creagh, Dailey, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walthall, Wilson of F. and Wilson of J.

The yeas and nays were then called upon the passage of the bill:

YEAS—messrs. Baylor, Brindley, Dailey, Fleming, Foster, Hudson, Jones, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walthall, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Buford, Creagh, Dent, Hunter, King, McAllister, Oliver, Phillips, Reese, Ross, Thornton, and Watrous.

So the bill passed.

Ordered, that the file remain unchanged.

Mr. Dent presented the account of Rhea Parker; which was referred to the committee on accounts and claims.

Mr. Fleming, from the committee on the State Banks, to which was referred joint resolutions in relation to the payment of interest on the public debt,—reported the same back to the Senate, amended as therein shewn, and recommended its passage.

The amendments are as follows:

After the word "Decatur," in the fifth line in the second resolution,

insert the words "Montgomery, Huntsville;" in the third resolution, strike out "or in the Branches at Huntsville and Montgomery."

Which amendments were concurred in, and the bill read and ordered to be engrossed.

Mr. Toulmin, from the committee on the State Bank, to which was referred a bill to be entitled an act to authorize the President and Directors to appoint agents,—reported the same back to the Senate, with the following amendments, and recommended its passage:

Strike out all after the word "Bank" in the twenty-second line in the first section, and insert the following: "And the Presidents of each of the Branch Banks shall notify each other of all appointments made as aforesaid, so that there may be but one agent in a county, or any given number of counties."

Strike out the second section, and insert the following:

Section 2 *Be it further enacted*, That the agents appointed under the provisions of this act, shall give bond with two or more good and sufficient securities, to the satisfaction of the Board of President and Directors making the appointment; which bond shall be made payable to the said President and Directors and their successors in office, in the sum of not less than ten thousand dollars, conditioned for the faithful discharge of their respective duties; and the bonds given under the provisions of this act shall not be void on any one recovery; and the bond or bonds so taken, shall be recorded in the office of the clerk of the county court of the county where the Bank taking the same is situated,—and a certified copy of any such bond shall be received as evidence against the agent giving the same, or his securities.

Section 5. *And be it further enacted*, That the agents appointed under the provisions of this act, shall make a settlement with each one of the Banks once in every three months, or oftener, if required so to do by the respective Boards of Presidents and Directors; and a neglect or refusal to do so, shall be considered a sufficient cause of dismissal from office.

Which amendments were concurred in, and the bill read and ordered to be engrossed.

Mr. Brindley, from the committee on divorce and alimony, to which was referred an engrossed bill from the House of Representatives, to be entitled an act to divorce Jane S. Wheeler from her husband Charles J. Wheeler,—reported the same back to the Senate, and recommended its passage.

On motion, the bill was then read the third time.

Mr. President pronouncing the bill to be on its passage—

Mr. Walthall objected.

Mr. President declared that the bill should be read the third time and put on its passage as soon as reported back by the committee, without amendment,—to which it was referred without its being necessary to suspend the constitutional rule.

Mr. Walthall appealed from the decision of the Chair:

Those who voted to sustain the Chair, are—messrs. President, Brindley, Creagh, Fleming, Foster, Hudson, Jones, King, McAllister, McConnell, McVay, Oliver, Phillips, Rodgers, Ross, Toulmin, Watkins, and Wilson of J.

NAYS—messrs. Baylor, Dailey, Dent, McClanahan, Walthall, and Wilson of F.

So Mr. President was sustained in his decision.

For the passage of the bill—messrs. President, Arrington, Baylor, Brindley, Fleming, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Creagh, Dailey, Dent, and Foster.

So the bill passed.

Ordered, that the title remain unchanged.

Mr. Brindley, from the same committee, to which was referred a bill to be entitled an act to divorce Harriett Spriggs from her husband, Erasmus L. Spriggs, reported the same back to the Senate, and recommended its passage.

On motion, the bill was read the third time, and passed.

Ordered, that the title remain unchanged.

Mr. Hudson, from the select committee, to which was referred the amendments made by the House to the Senate's bill, for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile, reported the same back to the Senate, with the following amendments: after the word "same," in the seventeenth line, second amendment, insert "and therefore the powers of said Bank shall be suspended, except for the purpose of collecting its debts and taking care of its effects," in lieu of a similar amendment made by the Senate on the twenty-sixth instant; and to the first amendment made by the Senate to the second amendment of the House, add, "immediately after the passage of this act;" and with these amendments, recommended the adoption of the amendments of the House.

The amendments proposed by the committee were concurred in by the Senate.

The question then recurred upon the second amendment of the House, as amended.

The yeas and nays were called for:

YEAS—messrs. President, Arrington, Brindley, Buford, Creagh, Dent, Fleming, Foster, Hunter, Jones, King, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Walthall, Watkins, Watrous and Wilson of F.

NAYS—messrs. Baylor, Dailey, Hudson, McClanahan, McVay, Rodgers and Wilson of J.

So the amendment was concurred in as amended.

The third, fourth, and fifth amendments of the House were then severally read and concurred in.

Mr. Toulmin proposed to amend the fifth amendment, by striking out "one thousand," and inserting "five hundred;" which motion was lost.

The yeas and nays were demanded on the passage of the bill.

YEAS—messrs. President, Arrington, Baylor, Brindley, Fleming, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Rodgers, Toulmin, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Creagh, Dailey, Dent and Foster.

So the bill passed.

Ordered, that the title remain unchanged.

Mr. Foster, from the select committee, to which was referred the petition of Henry Lawrence and others, citizens of Cherokee county, reported a bill in accordance with the petition, and recommended its passage.

A bill, to be entitled an act, for the relief of Henry Lawrence, was then read the first time, and ordered to second reading on to-morrow.

Mr. Fleming offered the following resolution:

Resolved, That the committee on the State Bank, be instructed to inquire into the expediency of passing a law for the protection of the bills of the State Bank and its several Branches, by using the available assets of the different Banks for that purpose, with leave to report by bill or otherwise; which was adopted.

Mr. Terry offered the following resolution:

Resolved by the Senate, That in districting the State of Alabama for the election of members to the Congress of the United States, the same was done in obedience to the will of the people of said State, as expressed at the ballot box, at the August election, in the year of our Lord, one thousand eight hundred and forty one, and not in obedience to the act of Congress ordering the legislatures of the several States to do the same.

Mr. King moved to strike out the word "not," in the fifth line.

Mr. Phillips moved to lay the resolution and amendment on the table, and desired the yeas and nays:

YEAS—messrs. Arrington, Brindley, Buford, Dent, Hunter, King, Oliver, Phillips, Reese, Ross, Thornton and Watrous.

NAYS—messrs. President, Baylor, Creagh, Dailey, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J.

So the Senate refused to lay the resolution and amendment on the table.

The yeas and nays were then demanded on Mr. King's motion to strike out:

YEAS—messrs Arrington, Buford, Dent, Hunter, King, Oliver, Phillips, Reese, Thornton and Watrous.

NAYS—messrs President, Baylor, Brindley, Creagh, Dailey, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J.

So Mr. King's motion was lost.

Mr. Dailey offered the following amendment to come in after "eighteen hundred and forty-one," in the fifth line, "and the subsequent act of the legislature districting the State;" which was lost.

Mr. Dent moved to strike out all after "eighteen hundred and forty-one," in the fifth line, and insert in lieu thereof:

Resolved further, That it is expedient to lay off the State into Congressional districts to the best advantage to the democratic party.

The previous question was moved by Mr. Jones, and the yeas and nays desired:

YEAS—messrs. Arrington, Baylor, Dailey, Fleming, Hudson, Jones,

McAllister, McClanahan, McConnell, McVay, Rodgers, Ross, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. President, Brindley, Buford, Creagh, Dent, Foster, Hunter, King, Oliver, Phillips, Reese, Thornton and Watrous.

So the motion for the previous question was sustained

The main question was then put—shall the resolution offered by Mr. Terry be adopted?

YEAS—messrs. President, Baylor, Brindley, Creagh, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Arrington, Buford, Dailey, Dent, Hunter, King, Oliver, Phillips, Reese, Ross, Thornton, and Watrous.

So the resolution was adopted.

Mr. Jones introduced a bill, to be entitled an act to provide for the University fund of the State of Alabama; which was read the first time.

Mr. Jones moved to suspend the constitutional rule; which was refused—the bill was ordered to a second reading.

Mr. Creagh introduced a bill to be entitled an act to limit the age at which minors shall be confined in the penitentiary; which was read the first time, and the yeas and nays being desired on its second reading:

YEAS—messrs. Arrington, Baylor, Brindley, Creagh, Dailey, Hunter, Jones, King, Oliver, Phillips, Rodgers, Toulmin, Walthall and Watkins.

NAYS—messrs. President, Buford, Dent, Fleming, Foster, Hudson, McAllister, McClanahan, McVay, Thornton, and Wilson of F.

So the bill was ordered to a second reading on to-morrow.

Mr. Thornton introduced a bill to be entitled an act to authorize the commissioners of the sixteenth section, township seventeen, range two, east, in the county of Marengo, to purchase a lot of land and for other purposes, together with a petition of William C. Lipscomb and others; which was read the first time, and on motion of Mr. Thornton, the constitutional rule was suspended, the bill read the second time, and referred to the committee on education.

Mr. Jones introduced joint resolutions of the General Assembly of the State of Alabama, on the subject of the ultimate redemption of the bonds and the circulation of the State; which was read the first time, and on motion, postponed to Monday next.

The Senate then proceeded to the consideration of the orders of the day.

Bills of the following titles were then severally read the third time and passed:

An act for the relief of John N. Wills and Wm. Cameron:

An act to compensate the Commissioners of Roads and Revenue of Marion county:

An act to amend an act, entitled an act, to incorporate the Oak Bowery Male and Female Academy:

An act respecting roads in the county of Fayette:

An act fixing the time of holding Justices' Courts in the county of Shelby, and to establish jury trials in said courts:

An act to incorporate the Columbia Male and Female Institute in Henry county:

An act to confirm the emancipation of a certain slave therein named:

For the passage of the bill—messrs. President, Arrington, Baylor, Brindley, Creagh, Dailey, Fleming, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Reese, Rodgers, Ross, Thornton, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Buford, Dent and Phillips.

An act for the relief of Thomas H. Wiley:

For the passage of the bill—messrs. President, Buford, Creagh, Fleming, Foster, Hunter, Jones, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Walthall, Watkins, Watrous and Wilson of F.

NAYS—messrs. Arrington, Baylor, Brindley, Dailey, Dent, Hudson, King, McClanahan, McVay, Rodgers and Wilson of J.

An act relative to the records of Henry county:

An act concerning juries for the counties of Walker and Marion:

An act for the support of paupers in the county of Walker:

An act for the benefit of the sixteenth section, township sixteen, range twelve, Dallas county—being on its second reading, Mr. Phillips offered the following amendments:

Strike out the name of "Hardwick" and insert "Frederick," in lieu thereof, and to come in at the end of the first section: "*Provided* that the title to the lot of land, on which said house may be erected, shall first be secured to the School Commissioners of said township and their successors in office;" which amendment was adopted—and on motion of Mr. Phillips, the constitutional rule was suspended—the bill was read the third time forthwith, and passed.

Ordered, that the titles of the foregoing bills remain unchanged.

Message by Mr. Clitherall:

Mr. President—the House of Representatives has passed a bill which originated in the Senate to be entitled an act, to repeal an act requiring the Governor of the State to reside at the seat of Government during the interval of the legislature: also, bills which originated in the House of Representatives, entitled:

An act to secure the performance of the duties of public ferrymen:

An act to fix the compensation of the members of the General Assembly, and the officers of the two Houses:

An act for the better regulation of taxing lands in this State, and for other purposes:

An act to fix the compensation of the judge of the county court of Mobile county.

An act in relation to the seat of government lands at Cahawba:

An act to amend an act in relation to the estates of deceased persons:

Also, a memorial and joint resolutions of the State of Alabama to the Congress of the United States:

In which the concurrence of the Senate is respectfully requested.

The House has also passed joint resolutions authorizing the Branch

Banks at Mobile and Decatur to pay out their own issues in aid of valueless sixteenth sections, for the year one thousand eight hundred and forty-two—which originated in the Senate.

Bills of the following titles were then severally read the first time and ordered to a second reading—

A bill to be entitled an act to amend an act in relation to the estates of deceased persons:

A bill to be entitled an act to fix the compensation of the judge of the county court of Mobile county:

A bill to be entitled an act in relation to the seat of government lands at Cahawba:

A bill to be entitled an act for the better regulation of taxing lands in this State and for other purposes

A bill to be entitled an act to fix the compensation of members of the General Assembly and the officers of the two Houses

Mr. Wilson of F. moved to suspend the constitutional rule to give the bill a second reading forthwith; which was lost.

A bill to be entitled an act to secure the performance of the duties of public ferrymen;

Also, a memorial and joint resolutions of the State of Alabama to the Congress of the United States.

On motion of Mr. Phillips, the word "subjects" was stricken out in the fifteenth line.

Mr. Creagh moved to strike out the words "poor and of little value" from the fifth line; which was lost.

Bills of the following titles were then severally read the second time and ordered to a third reading on to morrow.

A bill to be entitled an act for the relief of sundry citizens of Walker county:

A bill to be entitled an act relative to justices courts in the county of Marshall:

A bill to be entitled an act to incorporate the Montgomery Hook and Ladder Company:

A bill to be entitled an act to alter and amend the road law as to the county of Marion.

Bills of the following titles were severally read the second time and referred to their appropriate committees:

An act to authorize the commissioners of the sixteenth section, of township twelve, range four, east in the Demopolis land district to rescind a contract therein described—to the committee on education:

An act to amend an act entitled an act to authorize the sale of property at the town of Fairfield, in Pickens county, and, also, at Greensborough, in the county of Greene, approved December thirty-first, eighteen hundred and forty-one—to a select committee, composed of messrs. King, Thornton and Phillips.

Joint resolutions in relation to section sixteen, township nineteen, range three, east, in the county of Talladega—to the committee on education.

An act for the benefit of Jesse Cheeke.

Mr. Brindley moved to strike out all after the word "liquors," and insert the following: "during the life and insanity of his wife. Polly Cheeke; *Provided*, she, the said Polly, shall at no time become a charge to any county of this State."

On motion the bill and amendment was referred to the committee on propositions and grievances.

A bill to be entitled an act for the retrenchment of expenses in judicial proceedings, was, on motion, postponed until Monday next

A bill to be entitled an act for the relief of Philemon Waters, was read the third time, and the yeas and nays desired on its passage:

YEAS—messrs. President. Dent, Dailey, Foster, Jones, McConnell, Oliver, Ross, Toulmin, Walthall and Watkins.

NAYS—messrs. Arrington, Baylor, Brindley, Buford, Creagh, Fleming, Hudson, Hunter, King, McClanahan, McVay, Reese, Rodgers, Watrous, Wilson of F. and Wilson of J.

So the bill was lost

Message by Mr. Garrett, Secretary of State:

Mr. President—His Excellency the Governor this day approved joint resolutions authorizing the Branch Banks at Mobile and Decatur to pay out their own issues in aid of the valueless sixteenth sections for the year eighteen hundred and forty-two which originated in the Senate.

On motion, the Senate then adjourned until ten o'clock, on Monday.

MONDAY, January 30th, 1843.

The Senate met pursuant to adjournment

The minutes of Saturday were read and approved

Mr. Dent presented the account of R. M. Ware; which was referred to the committee on accounts and claims.

Mr. Hudson, from the committee on accounts and claims, to which was referred an engrossed bill from the House of Representatives, to be entitled an act authorizing Samuel P. Jones to draw a certain sum of money therein named, reported the same back to the Senate and recommended its passage

The bill was then placed among the orders of the day.

Mr. Hudson, from the same committee, to which was referred an engrossed bill, from the House of Representatives, to be entitled an act to compensate Adam Zimmerman for two slaves, executed in pursuance of law, reported the same back to the Senate, with the following amendments, to wit:—strike out the word "sixteen" where it occurs in the fifth line from the top and insert "fifteen;" and after "four hundred" add "ninety-three"—and with these amendments recommended its passage. The amendments were concurred in by the Senate.

On motion of Mr. Hudson, the constitutional rule was suspended and the bill read the third time and passed.

Ordered, that the title remain unchanged

Mr. Dailey, from the committee on divorce and alimony, to which was referred a bill to be entitled an act for the relief of Charles Stone and his wife Mary S., reported the same back to the Senate, and recommended its

~~The bill was placed among the orders of the day.~~

Mr. King, from the committee on education, to which was referred joint resolutions in relation to a certain sixteenth section therein named, reported the same back to the Senate, amended as follows, and as amended, recommended its passage—strike out “citizens,” eight line, first section, and insert “all the qualified voters;” which amendment was concurred in by the Senate. The bill was placed among the orders of the day.

Mr. Creagh, from the committee on State printing, to which was referred a resolution instructing them to inquire into the expediency of having an index to the Journals, reported that it is inexpedient to legislate on the subject, and asked to be discharged from the further consideration of the same. On motion, the committee were discharged.

Mr. Watkins, from the committee on education, to which was referred sundry resolutions and bills in relation to sixteenth sections, reported that the objects prayed for in said bills and resolutions, are provided for in a bill which has already passed the Senate, and asked to be discharged from the further consideration of the same.

On motion of Mr. Hudson, the bill and report were laid on the table.

Mr. Phillips, from the committee on the judiciary, to which was referred a bill to be entitled an act in relation to recognizances in criminal cases, reported that it is inexpedient to legislate on the subject, and asked to be discharged from the further consideration thereof. On motion the committee was discharged.

Mr. Phillips, from the same committee, to which was referred a bill to be entitled an act to give securities the remedy of attachment, reported the same back to the Senate and recommended its passage. The bill was placed among the orders of the day.

Mr. Phillips, from the same committee, to which was referred a bill to be entitled an act better to regulate judicial proceedings, reported (as they did once before) that it is inexpedient to legislate on the subject.

Mr. Hudson moved to lay the bill and report on the table; which was lost. The report was then concurred in by the Senate.

Mr. Phillips, from the same committee, to which was referred a bill to be entitled an act to authorize the commissioners of the sixteenth section, in township seven, range two, east, in St. Stephens’ land district, to rescind a certain contract therein described, reported the same back to the Senate, amended as therein shown, and recommended its passage. The amendments were concurred in by the Senate, and the bill placed among the orders of the day.

Mr. Phillips, from the same committee, to which was referred a bill to be entitled an act to remove unnecessary delays and unnecessary expense in suits in Chancery, reported the same back to the Senate, amended as therein shown, and recommended its passage.

The Senate concurred in the amendments, and the bill was placed among the orders of the day.

Mr. King, from the committee on education, to which was referred a bill for the relief of the legal representatives of John Scott, deceased, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Walthall, from the committee on inland navigation and internal improvement, to which was referred a communication from the Cashier of the Bank of the State of Alabama, in reply to a resolution adopted by the Senate, on the thirty-first ultimo, requiring him to furnish that body with a statement of the condition and amount of the three per cent. fund; the amount appropriated from it to works of internal improvement—reported the same back to the Senate, and asked to be discharged from the further consideration thereof.

The committee was discharged.

Mr. Walthall, from the same committee, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of passing a law, having for its object the application of one half of the two per cent. fund in constructing a road around the falls of the Coosa river, from some point at or near the head of steam navigation, reported that it is inexpedient to legislate upon the subject at this time, and ask to be discharged from the further consideration of the subject.

The Senate concurred in the report, and the committee was discharged.

Mr. Walthall, from the same committee, to which was referred the report of the Coosa river commissioners, reported the same back to the Senate, and ask to be discharged from the further consideration of the subject.

The Senate concurred in the report, and the committee was discharged.

Mr. Walthall, from the same committee, to which was referred a bill to be entitled an act to repeal all laws making appropriations for objects of internal improvement, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Walthall, from the same committee to which was referred a bill to be entitled an act to loan a portion of the two per cent fund to the Montgomery and West Point Rail Road Company, reported the following substitute, in lieu of the original bill, and recommended its passage, to wit:

A bill to be entitled an act to authorize a loan of a portion of the two per cent. fund, to the Montgomery and West Point Rail Road Company:

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor of the State of Alabama is hereby authorized and required to direct the Cashier of the Bank of the State of Alabama to pay out of the first instalment of the two per cent. fund, the sum of one hundred and twenty thousand dollars, to the President and Directors of the Montgomery and West Point Rail Road Company, so soon as the said President and Directors shall have executed their bond, with good personal security, payable to the Governor of the State of Alabama for the time being, and his successors in office, conditioned for the faithful payment of said sum of money as aforesaid, at the expiration of ten years from the date of said loan, together with the interest which shall accrue thereon, payable annually, at the rate of — per cent. per annum:

And provided, also, that the payment of said sum of money, and the interest thereon, shall be further secured by mortgage on real estate; which bond and mortgage shall be approved by the Governor aforesaid: *And provided further*, that said company shall at the same time execute an additional bond, payable to the Governor aforesaid, in the penal sum of said bond, conditioned for the faithful application of said fund.

Section 2. *And be it further enacted by the authority aforesaid*, That the President and Directors of said company shall and they are hereby required to make annual reports to the Governor, immediately preceding the session of the Legislature of the extent of construction and condition of said road. and the amount of said fund expended, to whom paid, and for what purpose applied.

Section 3 *And be it further enacted by the authority aforesaid*, That the first section of this act shall be so construed, that the President and Directors of the Montgomery and West Point Rail Road Company shall receive said loan out of the second instalment of the two per cent fund: *Provided*, the Congress of the United States shall during its present session sanction by law, the arrangement contemplated in certain joint resolutions passed during the present session of the Legislature, on the subject authorizing the register and receiver of the different land offices in this State to receive in payment Alabama money from the settlers on public lands in this State.

Which substitute was adopted.

On motion of Mr. Creagh, the bill was postponed until to-morrow.

Mr. Moores, from the select committee, to which was referred a bill to be entitled an act to extend the term of the circuit court of Marengo county and for other purposes, reported the same back to the Senate and recommended its passage

The bill was placed among the orders of the day

The Senate then proceeded to the consideration of the orders of the day.

Bills of the following titles were severally read the third time and passed:

A bill to be entitled an act to authorize the President and Directors of the Bank of the State of Alabama, to appoint agents:

A bill to be entitled an act for the relief of sundry citizens of Walker county:

A bill to be entitled an act relative to justices courts in the county of Marshall:

An act to secure the performance of the duties of public ferryman:

An act for the relief of Charles Stone and his wife Mary S.:

A bill to be entitled an act to incorporate the Montgomery Hook and Ladder Company:

A bill to be entitled an act to alter and amend the road law as to the county of Marion:

Joint resolutions of the State of Alabama to the Congress of the United States:

Ordered, that their titles be as aforesaid.

A bill to be entitled an act in relation to the seat of Government lands

at Cahawba, was read the second time, and on motion of Mr. Phillips, the constitutional rule was suspended, the bill was read the third time and passed.

Ordered, that the titles of the foregoing bills remain unchanged.

A bill to be entitled an act to fix the compensation of the members of the General Assembly and the officers of the two Houses, was read the second time.

Mr. Hudson offered the following amendment: in the third line strike out "President of the Senate, and," also in the fifth line strike out "other," and insert "of the House of Representatives"

Mr. Dent moved the previous question, and called for the yeas and nays:

YEAS—messrs. Dailey, Dent, McConnell, McVay, Phillips and Watkins.

NAYS—messrs. President, Baylor, Brindley, Buford, Creagh, Fleming, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, Moores, Oliver, Reese, Rodgers, Ross, Thornton, Toulmin, Walthall, Watrous, Wilson of F. and Wilson of J.

So the call for the previous question was not sustained.

The yeas and nays were then demanded upon the adoption of Mr. Hudson's amendment:

YEAS—messrs. President, Brindley, Buford, Foster, Hudson, Jones, King, McAllister, McClanahan, Moores, Oliver, Rodgers, Ross, Thornton, Toulmin, Watrous and Wilson of F.

NAYS—messrs. Baylor, Creagh, Dailey, Dent, Fleming, Hunter, McConnell, McVay, Phillips, Reese, Walthall, Watkins and Wilson of J.

So the amendments offered by Mr. Hudson, were adopted.

On motion of Mr. Hudson, the bill was further amended as follows: in the fifteenth line strike out "and the Secretary of the Senate," also the word "each;" in the sixteenth line strike out the word "clerks," and insert "clerk;" in the seventeenth line strike out "each branch of the Legislature," and insert "of the House of Representatives;" in the eighteenth line strike out "keepers one to each House," and insert "keeper to the House of Representatives;" in the twenty-first line strike out all after the words "after the," and insert "passage of this act."

All of which amendments were adopted by the Senate.

On motion of Mr. King, the constitutional rule was suspended, the bill read the third time forthwith and passed.

On motion of Mr. Hudson, the caption was amended to read thus:

A bill to be entitled an act to regulate the compensation of the members of the House of Representatives and the officers thereof.

On motion of Mr. Reese, ordered, that the Secretary report the same to the House for its concurrence as early as practicable.

Joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened, in regard to the payment of interest on the public debt being on its third reading.

Mr. Walthall moved a reconsideration of the vote taken on Saturday on ordering these resolutions to a third reading, in order that they may be referred to a committee for the purpose of being amended.

For a reconsideration—Messrs. President, Creagh, Dent, Fleming, Jones, McClanahan, McConnell, McVay, Reese, Rodgers, Ross, Walthall, Watrous and Wilson of J.

NAYS—messrs. Baylor, Brindley, Buford, Dailey, Hudson, Hunter, King, McAllister, Moores, Oliver, Phillips, Thornton, Toulmin, Watkins and Wilson of F.

So the Senate refused to reconsider the vote.

Mr. Creagh then offered the following amendment as engrossed ryder: “And the redemption of the bills in circulation,” to come in at the end of the first section; which, having been read three several times, was adopted:

YEAS—messrs. President, Baylor, Creagh, Dailey, Dent, Fleming, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Rodgers, Ross, Thornton, Toulmin, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—Messrs. Brindley, Buford, Hunter, Moores and Phillips.

Mr. Buford offered the following amendment as an engrossed ryder, to come in at the close of the first section: *Provided*, That said Board shall not authorize a partial resumption of specie payments till such funds are provided as may meet all of the circulation of the State Bank and all its Branches alike; which having been read three several times was adopted:

YEAS—messrs. Baylor, Brindley, Buford, Creagh, Dailey, Hudson, Jones, King, McAllister, McConnell, Moores, Oliver, Phillips, Reese, Ross, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. President, Dent, Fleming, Hudson, McClanahan, McVay, Rodgers, Thornton, and Toulmin.

Mr. Jones offered the following amendment as engrossed ryder:

Section 6. *Be it further enacted*, That the operations of this law shall be confined to the first day of February, eighteen hundred and forty-four, so far as it relates to paying the interest on the State bonds.

For its adoption—messrs. Jones, Moores, Phillips, Thornton, Walthall and Watrous.

NAYS—messrs. President, Baylor, Buford, Creagh, Dailey, Dent, Fleming, Hudson, Hunter, King, McAllister, McClanahan, McConnell, McVay, Oliver, Ross, Toulmin, Watkins, Wilson of F. and Wilson of J.

So the amendment was lost.

The question recurring on the passage of the joint resolutions, the yeas and nays were called for:

YEAS—messrs. Baylor, Brindley, Buford, Dailey, Hudson, Hunter, King, McAllister, McConnell, Oliver, Phillips, Toulmin, and Watkins.

NAYS—messrs. President, Creagh, Dent, Fleming, Jones, McClanahan, McVay, Moores, Rodgers, Ross, Thornton, Walthall, Watrous, Wilson of F. and Wilson of J.

So the Seate refused to pass the joint resolutions.

A bill to be entitled an act for the relief of Henry Lawrence, being on its second reading, was, on motion, postponed until to-morrow.

A bill to be entitled an act to amend an act in relation to estates of deceased persons, being on its second reading, was, on motion of Mr. Baylor, indefinitely postponed.

Bills of the following titles were severally read the second time and referred to the appropriate committees:

An act to provide for the University of the State of Alabama—to the committee on education.

An act to limit the age at which minors shall be confined in the Penitentiary of this State—to the judiciary committee.

Joint resolutions of the General Assembly of the State of Alabama on the subject of the ultimate redemption of the bonds and circulation of this State—to the committee on the State Bank.

An act for the retrenchment of expenses in judicial proceedings—to a select committee, composed of messrs. Hunter, Toulmin and Jones.

An act to fix the compensation of the Judge of the county court of Mobile county—to the committee on the judiciary.

An act for the better regulation of taxing lands in this State and for other purposes—to the committee on propositions and grievances.

Mr. Rodgers moved to suspend the orders of the day for the purpose of reconsidering the vote taken this morning on the report of the judiciary committee on the bill to be entitled an act better to regulate judicial proceedings; which motion prevailed and the vote was reconsidered.

The bill was, on motion, referred to a select committee, composed of Messrs. Hunter, Toulmin and Jones.

Mr. Ross reported that the committee on enrolled bills have examined and find correctly enrolled, bills of the following titles:

An act to divorce Job H. Scruggs from his wife Virginia Scruggs:

An act to divorce Caroline Ritchie from her husband Anthony Ritchie:

An act to divorce Jane Hardin from her husband John B. Hardin.

On motion the Senate then adjourned, until three o'clock, this afternoon.

MONDAY AFTERNOON, 3 o'clock.

The Senate met pursuant to adjournment, and resumed the consideration of the orders of the day.

bills of the following titles were then severally read the third time and passed:

An act authorizing Samuel P. Jones to draw a certain sum of money therein named:

Joint resolution in relation to the sixteenth section, township twenty, range eighteen:

An act to authorize the commissioners of the sixteenth section, in township seven, range two, east, in St. Stephens' land district to rescind a certain contract therein described:

An act for the relief of the legal representatives of John Scott, Sen'r. deceased:

And an act to extend the term of the circuit court of Marengo county and for other purposes.

Bills of the following titles were severally read the second time, and ordered to be engrossed:

An act to give sureties the remedy of attachment:

An act to remove unnecessary delay, and avoid unnecessary expense in suits in chancery:

A bill to be entitled an act to repeal all laws making appropriations to objects of internal improvement; was read a second time.

Mr. Hudson offered the following amendment—which was adopted:—
“Or from the nett profits arising therefrom,” to come in after the word “fund,” in the fourth line, second section.

On motion of Mr. Hudson, the further consideration of the bill was postponed until to-morrow.

And this completed the orders of the day.

Mr. President laid before the Senate, communications from the Cashiers of the Branch Banks at Mobile and Huntsville, responsive to resolutions adopted by the Senate on the seventeenth instant; which were severally read, and laid on the table.

(Mr. Dent in the Chair.) Mr. Terry introduced the following joint resolution:

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That His Excellency the Governor be, and he is hereby authorized, to issue his writs of election for members to the twenty-eighth Congress, earlier than the time now prescribed by law, in the event of an extraordinary session of the Congress of the United States during the year one thousand eight hundred and forty-three, and before the first Monday in August next.

Which was read the first time,—and on motion, the constitutional rule was suspended, and the joint resolution forthwith read the second time, and referred to a select committee—composed of messrs. King, Hudson, and Toulmin.

Mr. Moores offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of passing a law requiring and empowering the judges of the different county courts of this State, to make settlement with the executors or administrators of deceased executors, or administrators in the county where letters of administration may have been granted; and in cases of making settlements with executors or administrators, the said committee shall examine into the propriety of enlarging the powers of the judges of the county courts.

Which was adopted.

Mr. King, from the committee on divorce and alimony, to which was referred a bill to be entitled an act to divorce certain persons therein named,—reported the bill back to the Senate, and recommended its passage.

On motion, the bill was then read the third time, and passed.

And, the yeas and nays desired on the passage of the bill:

YEAS—messrs. President, Baylor, Brindley, Buford, Fleming, Hud-

son, Hunter, King, McAllister, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walthall, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Creagh, Dailey, and Dent.

Ordered, that the title remain unchanged.

Mr. Dailey introduced a bill to be entitled an act to authorize the holding of two courts a year by the chancellors; which was read the first time, and ordered to a second reading.

Mr. Moores introduced a bill to be entitled an act to incorporate the Dayton Literary Association; which was read the first time, and ordered to a second reading.

Mr. Buford, from the judiciary committee, to which was referred a resolution of inquiry into the expediency of providing by law for the substitution of the court papers and records of the circuit court of Henry county, which were destroyed by fire,—reported the same back to the Senate, together with a bill covering the premises, and recommended its passage; which was read the first time,—and the rule being suspended—was forthwith read the second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. King, from the select committee, to which was referred a bill to be entitled, an act to amend an act entitled an act to authorize the sale of property at the town of Fairfield, in Pickens county, and also, at Greensboro', in the county of Greene,—reported the same back to the Senate, and recommended its passage.

On motion, the bill was then read the third time, and passed.

Ordered, that the title remain unchanged.

Mr. Fleming offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of passing a law to regulate settlements between treasurers and clerks of the different county courts, and report by bill or otherwise.

Which was adopted.

Mr. Walthall moved to reconsider the vote taken this morning, on the passage of the joint resolution of the Senate and House of Representatives of the State of Alabama, in General Assembly convened, in regard to the payment of interest on the public debt; which motion prevailed,—and the joint resolutions were referred to a select committee—composed of messrs. Walthall, Hudson, and Fleming.

A message, by Mr. Clitherall:

Mr. President—The House of Representatives has passed the following bills, to be entitled—

An act concerning coroners:

An act regulating the proof required to sustain actions at law in certain cases:

An act to extend the jurisdiction of county courts in certain cases:

An act regulating the issuing of patents for sixteenth section lands:

An act to alter the laws now in force relating to a change of venue:

An act to extend limitations of actions in the county of Montgomery.

In which the concurrence of your honorable body is respectfully requested.

These bills were then severally read the first time in the Senate, and ordered to a second reading on to-morrow.

A message by Mr. Phelan :

Mr. President—The House of Representatives has passed a bill to be entitled an act to exempt certain persons in the county of Mobile from working on the roads ; in which the concurrence of the Senate is asked.

The bill was then read the first time in the Senate, and on motion of Mr. Toulmin, the constitutional rule was dispensed with, and the bill forthwith read the second and third time and passed.

Ordered, that the title remain unchanged.

On motion, the Senate then adjourned till ten o'clock, to-morrow.

TUESDAY, January 31, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Dailey offered the following protest ; which was ordered to be spread upon the journal :

I enter this my protest, or reasons for voting against the adoption of Mr. Terry's resolution of the twenty-eighth instant : They are, that I did not conceive the first proposition strictly true—"that we have now districted the State, in obedience to the will of the people, as expressed at the August election, in eighteen hundred and forty-one ;" because, in laying out the State into districts, we do not pass a new law, but carry into effect a law now in operation, only adding two more districts, as allowed us by the last United States' census ; and because, in thus dividing the State, we have relation to the act of the Legislature pulling up the district system, and not to the vote of the people, in eighteen hundred and forty-one, for or against the general ticket system. The last proposition, "that we have laid off districts, not in obedience of the act of Congress," &c , I heartily subscribe to, and look on as self-evident ; because, our action on this subject cannot have reference to that act, as our State is found at its passage, with the district system. Had the resolution connected with it, the act of the Legislature of last session establishing the district system, as forming the basis of our action, in laying off the Congressional districts, I should then have looked on it as strictly true, and voted for it.

SAM'L CLARKE DAILEY.

Mr. Hudson presented the account of John S. Fitch ; which was referred to the committee on accounts and claims.

Mr. McVay, from the committee on propositions and grievances, to which was referred a bill to be entitled an act for the benefit of Jesse Cheeke, reported the same back to the Senate, and asked to be discharged from the further consideration thereof.

The committee was discharged.

Mr. Phillips, from the committee on the judiciary, to which was referred a bill to be entitled an act to fix the compensation of the judge

of the county court of Mobile county, reported the same back to the Senate, with the following amendment, and so amended, recommended its passage: "and the clerk of the county court shall, at the expiration of each quarter, issue his order on the county treasurer for the sum of four hundred and fifty dollars, in favor of the said judge, taking his receipt for the same:" to come in at the close of the first section.

The amendment was concurred in by the Senate.

Mr. McVay, from the committee on propositions and grievances, to which was referred a petition for the emancipation of certain slaves therein named, reported it back to the Senate, with a bill covering the premises. The bill then had its first reading.

Mr. Hudson moved the indefinite postponement of the bill, and desired the yeas and nays:

YEAS—messrs. President, Dent, Fleming, Foster, Hudson, Phillips, Wilson of F. and Wilson of J.

NAYS—messrs. Baylor, Brindley, Creagh, Dailey, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Reese, Rodgers, Ross, Toulmin and Walthall.

So Mr Hudson's motion was lost.

On motion of Mr. Hudson, the constitutional rule was suspended, and the bill read the second time forthwith.

Mr. Hudson offered the following amendment, and called for the yeas and nays: "*Provided*, that said slaves shall leave this State, never to return:"

YEAS—messrs. President, Foster, Hudson, Phillips and Reese.

NAYS—messrs. Baylor, Brindley, Creagh, Dailey, Fleming, Hunter, Jones, King, McAllister, McClanahan, McVay, Oliver, Rodgers, Ross, Toulmin, Walthall and Wilson of J.

So Mr. Hudson's amendment was lost.

On motion of Mr. Phillips, the constitutional rule was further suspended, and the bill read the third time and passed.

For its passage—messrs. Baylor, Brindley, Creagh, Dailey, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Rodgers, Ross, Thornton, Toulmin, Walthall and Watrous.

NAYS—messrs. President, Dent, Fleming, Foster, Hudson, Phillips, Reese and Wilson of J.

Ordered, that the title remain unchanged.

Mr. McVay, from the same committee, to which was referred a petition to confirm the emancipation of a certain slave therein named, reported a bill to the Senate, covering the premises.

The bill was then read the first time.

Mr. Phillips moved to suspend the constitutional rule, in order to give the bill a second reading, and called for the yeas and nays:

YEAS—messrs. Baylor, Brindley, Creagh, Dailey, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Rodgers, Ross, Thornton, Toulmin, Walthall and Watrous.

NAYS—essrs. President, Buford, Dent, Fleming, Hudson, Phillips and Reese.

So the bill was read the second time and ordered to a third reading.

Mr. Baylor, from the committee on education, to which was referred joint resolutions in relation to section sixteen, township nineteen, range three, east, in the county of Talladega, reported the same back to the Senate with the following amendments:

Strike out of the twelfth line in the first section, the words "the citizens of said," and insert in lieu thereof, the words "the qualified voters of said;" and thus amended recommended its passage.

The Senate concurred in the amendment, and the bill was read the second time and ordered to be engrossed.

Mr. Baylor, from the same committee, to which was referred a bill to be entitled an act to authorize the commissioners of the sixteenth section, township seventeen, range two, east, in the county of Marengo, to purchase a lot of land and for other purposes, reported the same back to the Senate and recommended its passage.

The bill was then placed among the orders of the day.

Mr. Wilson of J. from the committee on roads, bridges and ferries, to which was referred a bill to be entitled an act to revive an act therein named, reported the same back to the Senate with the following amendment, and thus amended, recommended its passage: "but shall not charge any ferriage for crossing the same."

Which amendment was concurred in by the Senate.

The bill was then read the second time and ordered to be engrossed for a third reading.

Mr. Baylor, from the committee on education, to which was referred a bill to be entitled an act to authorize the commissioners of the sixteenth section, township twelve, range four, east, in the Demopolis land district, to rescind a contract therein named described.

The bill was placed among the orders of the day.

Mr. Wilson of J. from the committee on roads, bridges and ferries, to which was referred the petition of John Erwin, praying that he may be allowed to erect gates on a certain road therein named, reported a bill covering the premises.

The bill was read the first and ordered to a second reading.

Mr. Baylor, from the committee on education, to which was referred joint resolutions in relation to a certain sixteenth section therein named, reported the same back to the Senate and recommended its passage.

On motion of Mr. Walthall, the resolutions were read the third time forthwith and passed.

Ordered, that the title remain unchanged.

Mr. King, from the select committee, to which was referred a joint resolution in relation to members of Congress, reported back to the Senate a substitute for the same, and recommended its passage.

The substitute was then read and adopted.

On motion of Mr. Hudson, the constitutional rule was suspended, the bill read a third time forthwith and passed.

Ordered, that the title remain unchanged.

Mr. Hunter, from the select committee, to which was referred a bill

to be entitled an act for the retrenchment of expenses in judicial proceedings, reported the same back to the Senate, with the following amendment: by striking out the words "six miles from," and inserting the words "city or town in which it is," in the sixth section, and thus amended recommended its passage.

Which amendment was concurred in by the Senate.

On ordering the bill to a third reading, Mr. McConnell called for the yeas and nays:

YEAS—messrs. Baylor, Buford, Creagh, Hudson, Hunter, King, McAllister, McVay, Oliver, Reese, Toulmin, Walthall and Watkins.

NAYS—messrs. President, Brindley, Dailey, Dent, Foster, Jones, McClanahan, McConnell, Moores, Phillips, Rodgers, Ross, Thornton, Watrous, Wilson of F. and Wilson of J.

So the bill was lost.

(Mr. Ross in the chair.)

A message from the House, by Mr. Phelan:

Mr. President—The House of Representatives has passed a bill from the Senate regulating the place of holding the special terms of the circuit court of Mobile county and for other purposes:

The House of Representatives has also passed a bill from the Senate to be entitled an act to put in liquidation the Branch of the Bank of the State of Alabama at Huntsville; and have amended the same as therein shown, in which the concurrence of the Senate is requested.

A bill to be entitled an act to put in liquidation the Branch of the Bank of the State of Alabama at Huntsville

Mr. Creagh moved to postpone the whole subject until twelve o'clock, Saturday next, and make it the special order for that hour, and desired the yeas and nays thereon:

YEAS—messrs. President, Creagh, Dent, Fleming, Foster, Rodgers, Toulmin and Walthall.

NAYS—messrs. Baylor, Brindley, Buford, Dailey, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Ross, Thornton, Watkins, Watrous, Wilson of F. and Wilson of J.

So Mr. Creagh's motion to postpone was lost.

The question then recurred on concurring in the first amendment of the House, to fill the blank in fourth section "with twelve hundred and fifty."

Mr. Terry moved to strike out "twelve hundred and fifty" from the amendment, which was lost, and called for the yeas and nays:

YEAS—messrs. President, Creagh, Dent, Fleming, Foster, Toulmin and Walthall.

NAYS—messrs. Baylor, Brindley, Buford, Dailey, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Watkins, Watrous, Wilson of F. and Wilson of J.

So Mr. Terry's motion was lost.

The question then recurring on the adoption of the first amendment—the yeas and nays were desired:

YEAS—Messrs. President, Baylor, Brindley, Buford, Dailey, Hudson, Hunter, Jones, King McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Creagh, Dent, Fleming, Foster, Toulmin and Walthall.

So the amendment was adopted.

The question then recurring on concurring in the second amendment of the House, to fill first blank in the seventh section, with "two."

Mr. Fleming offered the following amendment—"Provided, that the provisions of this bill shall not be effected until the first day of January, eighteen hundred and forty-four."—Which amendment, Mr. President pronounced out of order.

Mr. Fleming requested to lay before the Senate, the proceedings of a public meeting held in Madison county, on the twenty-third inst.; which proceedings he regarded as instructions on the subject then under the consideration of the Senate.

Mr. President declared that the reception of the proceedings would be out of order.

The Senate then concurred in the second amendment.

The question again recurring on the adoption of the third amendment; "Sec. eighteen—that the Branch of the Bank of the State of Alabama at Huntsville, shall pay the interest on the funds arising from the sixteenth sections, that have been paid into the said Bank, and shall have power to lend the money hereafter paid on notes deposited in said Bank by the commissioners of the different townships according to existing laws."

Mr. Terry moved to amend the amendment, with the following:—"Provided, that nothing in this act shall be construed from preventing the President of said Branch Bank, to receive a sum equivalent to that allowed the Directors"—and called for the yeas and nays:

YEAS—messrs. President, Creagh, Dent, Fleming, Foster, Toulmin, Walthall and Wilson of J.

NAYS—messrs. Baylor, Brindley, Buford, Dailey, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Watkins, Watrous and Wilson of F.

So Mr. Terry's amendment was lost.

Mr. Terry moved to lay the bill and the House amendments on the table for the present.

The chair declared the motion out of order.

Mr. Terry appealed from the decision of the chair, and desired the yeas and nays:

YEAS—messrs. Brindley, Buford, Dailey, Foster, Hudson, Hunter, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Watkins, Watrous and Wilson of F.

NAYS—messrs. Baylor, Creagh, Dent, Jones, Rodgers, Toulmin and Walthall.

So the amendment of the Chair was sustained.

The yeas and nays upon the adoption of the third amendment of the House was then called:

YEAS—messrs. Baylor, Brindley, Buford, Dailey, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Ross, Thornton, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. President, Creagh, Dent, Fleming, Foster, Rodgers, Toulmin and Walthall.

So the amendment was adopted.

Mr. Rodgers offered the following resolution:

Resolved, that with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives on Saturday, the fourth of February next, for the purpose of electing a President and three Directors for the Branch of the Bank of the State of Alabama at Decatur.

Which was adopted.

Mr. Dent moved to take out of the message from the House of Representatives, now on the President's table, a bill to be entitled an act to provide for the re-covering of the State Capitol.

The bill was then read the first time in the Senate, and the constitutional rule being suspended, it was read the second time forthwith.

Mr. Buford moved to postpone the further consideration of the bill until the twenty-fourth day of April, (that being the day after the destruction of the world, according to the prediction of Mr. Miller,) which motion was lost.

Mr. Creagh moved to strike out the word "fifteen," from the second line of the first scetion, and called for the yeas and nays:

YEAS—messrs. Buford, Creagh, Dailey, Hunter, McConnell, Oliver, Reese, Ross and Watrous.

NAYS—messrs. President, Baylor, Brindley, Dent, Foster, Hudson, Jones, King, McAllister, McClanahan, McVay, Moores, Phillips, Rodgers, Thornton, Toulmin, Walthall, Watkins, and Wilson of F.

So the Senate refused to strike out.

On motion, the rule was further suspended, and the bill forthwith read the third time:

For the passage of the bill—messrs. President, Baylor, Brindley, Dent, Fleming Foster, Hudson, Hunter, Jones, King, McClanahan, McVay, Moores, Oliver, Rodgers, Thornton, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. Buford, Creagh, Dailey, McAllister, McConnell, Phillips, Reese, Ross and Watrous.

So the bill passed.

Ordered, that the title remain unchanged.

On motion, the Senate then adjourned until three o'clock this afternoon.

TUESDAY AFTERNOON, 31st January.

The Senate, pursuant to adjournment, met at three o'clock, P. M.

Mr. Dent moved to reconsider the vote taken this morning, on the passage of the bill for the retrenchment of expenses in judicial proceedings.

Mr. McConnell called for the yeas and nays on Mr. Dent's motion.

YEAS—messrs. President, Brindley, Creagh, Dent, Foster, Hudson, McAllister, McClanahan, McVay, Oliver, Reese, Ross, Thornton, Toulmin, Watkins and Wilson of J.

NAYS—messrs. Dailey, Fleming, King, McConnell, Moores, Phillips and Rodgers.

So Mr. Dent's motion prevailed, and the vote was reconsidered.

On motion of Mr. Dent, the further consideration of the subject was postponed till to-morrow.

Mr. McClanahan reported that the committee on enrolled bills had examined, and found correctly enrolled:

An act to compensate the commissioners of roads and revenue of Marion county:

And an act to incorporate the Columbia Male and Female Institute in Henry county.

Mr. King presented the petition of sundry citizens of Pickens county, in relation to justices' courts, which was laid on the table.

Mr. Clitherall brought a message of invitation to the Senate, to repair to the Hall of the House of Representatives, for the purpose of electing a President and three Directors, for the Branch Bank at Mobile.

Whereupon the Senate immediately went into the Hall, and Mr. President announced the object for which the two Houses had assembled. The election for the President was announced.

In conformity to law, the following was submitted:

"Mr. Edmund Harrison is indebted to the Branch Bank at Mobile, as principal, five hundred dollars. He is not under protest, and does not owe any thing to any other Bank in the State. He is solvent beyond doubt, and we consider him fully competent in every respect, to discharge the duties of President of the Branch Bank at Mobile.

The firm of Harrison & Blair, of which he is a member, is not under protest, and is entirely solvent. The firm of Harrison & Blair is endorser and acceptor, growing out of their regular business, to the amount of eleven thousand, one hundred and sixty-nine dollars, and eleven cents but does not owe the State Bank, or any of its Branches, one dollar, as principal—and we consider the firm, beyond all doubt, as entirely solvent.

(Signed,

T. L. TOULMIN,
WALTER R. ROSS,
JNO. S. HUNTER,

Of the Senate.

A. B. MOORE,
W. S. MORGAN,
J. W. DUNKLIN,

Of the House of Representatives.

I have not the slightest objection to the statement of the responsibility of Mr. E. Harrison, and Harrison & Blair, for all liabilities to the Bank. Mr. Harrison's business habits and engagements for many years that have known him, assure me that he will attend strictly to the interests of the Bank.

(Signed)

ISAAC H. ERWIN,
Of the House of Representatives.

Edmund Harrison, alone being in nomination, received one hundred and thirteen votes.

Mr. Creagh, of the Senate, voted for *Francis S. Lyon*.

Mr. Rice, of the House of Representatives, voted for *Samuel Clarke Dailey*.

Mr. Speaker declared *Mr. Harrison* to be duly and constitutionally elected President of the Branch Bank at Mobile.

The two Houses then proceeded to the election of three Directors for said Bank—His Excellency, the Governor, having, in pursuance of law, nominated the following gentlemen, from whom to make the selection—*James S. Deas, Wm. P. Gould, Robert L. Walker, Tristram B. Bethea, Seaborn Travis, Sanford Cooly*, and *Calvin Norris*.

Those who voted for *Mr. Deas*, are messrs. Brindley, Buford, Creagh, Dailey, Dent, Fleming, Foster, Hunter, Jones, King, McAllister, McVay, Moores, Reese, Thornton, Toulmin, Walthall, Wilson of F. and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Calhoun, Campbell, Clay, Cooper, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harris, Harrison, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Kendrick, Kennedy of M. Lankford, Marchbanks, Martin, McClung, McMillion, Meriwether, Mitchell, Moore of M. Moore of P. Morgan of A. Mundy, Morrison, Norman, Norris, Pettit, Porter, Rice, Richeson, Roby, Scott, Skipper, Smith of L. Smith of T. Storrs, Turner, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Witherspoon and Woodward, of the House—87.

Those who voted for *Mr. Gould*, are messrs. President, Baylor, Brindley, Buford, Dent, Foster, Hudson, Hunter, Jones, King, McClanahan, Moores, Oliver, Reese, Ross, Thornton, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J. of the Senate; and messrs. Speaker, Banks, Barclay, Barron, Bishop, Caffey, Campbell, Clay, Cochran, Crowder, Dunn, English, Erwin, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Hill, Hubbard, Jones of Conecuh, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Mitchell, Moore of M. Moore of P. Morgan of A. Morgan of C. Morrisett, Morrison, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Rice, Robinson, Roby, Scott, Smith of L. Smith of P. Smith of T. Storrs, Turner, Valliant, Walker, Ware, Watts, Williams of J. Williams of P. Winston of DeK. Witherspoon and Woodward, of the House—84.

Those who voted for *Mr. Walker*, are messrs. President, Brindley, Dailey, Dent, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, Moores, Oliver, Thornton, Toulmin, Walthall, Watkins, Watrous and Wilson of F. of the Senate; and messrs. Banks, Cain, Clay, Cochran, Cooper, Dear, Douglass, Dunklin, Earle, English, Fletcher, Gasque, Griffin, Harrison, Hendrix, Hill, Hodges, Jones of Conecuh, Jones of Cov. Kennedy of L. Kennedy of M. Kidd, Marchbanks, McClung, McMillion, Meriwether, Moore of M. Morris, Mundy, Oliver, Porter, Rice, Richeson, Roby, Skipper, Smith of L. Smith of P. Smith

of T. Walker, Ware, Winston of DeK. and Witherspoon, of the House —61.

Those who voted for *Mr. Bethea*, are messrs. President, Baylor, Creagh, Dailey, Fleming, Hudson, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, and Wilson of J. of the Senate; and messrs. Abernathy, Barclay, Bishop, Bridges, Cain, Calhoun, Cochran, Dear, Dortch, Dubose, Findley, Garland, Gasque, Hubbard, Jones of Conecuh, Lankford, Martin, McLemore, Moore of P. Morris, Morrisett, Norman, Pickett, Robinson, Scott, Skipper, Turner, Valliant, Watts and Williams of J. of the House.

Those who voted for *Mr. Travis*, are messrs. Baylor, Creagh, Fleming, McConnell, McVay, Rodgers, Toulmin, Watkins and Watrous, of the Senate; and messrs. Speaker, Abernathy, Bridges, Campbell, Dortch, Dubose, Findley, Fowler, Hendrix, Hodges, Jones of G. Kendrick, Kennedy of M. Lankford, Marchbanks, Morgan of A. Morris, Morrison, Norman, Richeson, Smith of P. Valliant, Whorton, Williams of P. and Woodward, of the House.

Those who voted for *Mr. Cooley*, are messrs. Hunter and Phillips, of the Senate; and messrs. Banks, Caffey, Cooper, Crowder, Dear, Dortch, Douglass, Dunklin, Dunn, Earle, Erwin, Harris, Jackson, Jones of G. Kennedy of L. Kidd, McCoy, McLemore, Mitchell, Morgan of C. Morrisett, Oliver, Pettit, Pickett, Robinson, Storrs and Whorton, of the House.

Those who voted for *Mr. Norris*, are messrs. Buford, Phillips, Rodgers and Reese, of the Senate; and messrs. Barron, Calhoun, Crowder, Jackson, Kidd, McCoy, Morgan of C and Norris, of the House.

One hundred and eighteen votes were given in.

Messrs. Deas, Gould and Walker, having each received a majority of all the votes given, Mr. Speaker declared them duly and constitutionally elected Directors for the Branch of the Bank of the State of Alabama, at Mobile, for and during the time prescribed by law.

The Senate then retired to its Chamber, and proceeded to the consideration of the orders of the day.

Bills of the following titles, were severally read the second time, and ordered to be engrossed for a third reading:

An act to authorize the loan of a portion of the two per cent. fund, to the Montgomery and West Point rail road.

Mr. Wilson of J. moved to strike out "ten" from the nineteenth line of the first section; which was lost.

The yeas and nays were demanded, on ordering the bill to be engrossed:

YEAS—messrs. Brindley, Buford, Creagh, Dailey, Foster, Hunter, King, McAllister, Oliver, Phillips, Reese, Ross, Thornton, Walthall, Watkins and Wilson of J.

NAYS—messrs. President, Baylor, Dent, Fleming, Hudson, McClanahan, McConnell, McVay, Moores, Rodgers, Toulmin and Wilson of F.

An act for the relief of Henry Lawrence:

An act to repeal all laws making appropriations to objects of internal improvement:

Mr. Hudson offered the following amendment, which was adopted:

“ *Provided*, the Cashier of the Bank of the State of Alabama, be, and he is hereby authorized to pay any amount that may have been contracted to be paid, for the completion of contracts heretofore made, together with the incidental expenses of the Board of Commissioners of the Black Warrior river, in the manner now provided by law.”

An act to authorize the commissioners of the sixteenth section, township seventeen, range two, east, in the county of Marengo, to purchase a lot of land, and for other purposes.

Bills of the following titles were severally read the second time and referred to appropriate committees:

An act to authorize the holding of two courts a year by the Chancellors—to the judiciary committee.

An act to incorporate the Dayton Literary Association—to a select committee of messrs. Moores, Baylor and Wilson of F.

An act to extend the limitations of prosecutions in the county of Montgomery—to the judiciary committee.

An act to alter the laws now in force in relation to a change of venue—to the judiciary committee.

An act regulating the issuing of patents for sixteenth section lands—to the committee on education.

An act to extend the jurisdiction of county courts in certain cases—to the committee on the judiciary.

And an act regulating the proof required to sustain an action at law in certain cases—to the judiciary committee.

A bill to be entitled an act concerning coroners was read the second time and ordered to a third reading.

Bills of the following titles were severally read the third time and passed.

An act to give securities the remedy of attachment:

An act to remove unnecessary delay and avoid unnecessary expense in suits in Chancery.

An act to establish lost records in Henry county:

An act to authorize the commissioners of the sixteenth section, of township twelve, range four, east, in the Demopolis land district to rescind a contract therein described:

And an act to fix the compensation of the Judge of the county court of Mobile county.

Ordered, that the titles of the foregoing bills remain unchanged.

On motion the Senate then adjourned until ten o'clock to-morrow.

WEDNESDAY, February 1, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson presented the account of John White; which was referred to the committee on accounts and claims.

Mr. McVay presented the petition of the citizens of Lauderdale county, praying for a special act to allow Jacob Lacy, a free man of color

to remain in this State; which was referred to the committee on the judiciary.

Mr. Dent presented the account of Robert N. Wier; which was referred to the committee on accounts and claims.

Mr. McVay, from the committee on propositions and grievances, to which was referred a bill to be entitled an act for the better regulation of taxing lands in this State and for other purposes, reported that it is inexpedient to legislate upon the subject.

The committee was discharged from its further consideration.

Mr. Hudson, from the special committee, to which was referred engrossed joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened, in regard to the payment of interest on the public debt, reported the same back to the Senate with the following amendments, to wit:

In the first resolution, strike out the words "Governor, Comptroller and the," where they occur in the third and fourth line from the top.

In the fifth resolution and first line, strike out the word "Governor," where it occurs, and insert in lieu thereof "the President of the Bank of the State of Alabama."

Which amendment was concurred in.

The resolutions were then read the third time and passed.

Ordered, that the title remain unchanged.

Mr. Toulmin presented a communication from B. Gayle, Esq., Cashier of the Branch of the Bank at Mobile, responsive to a resolution adopted by the Senate on the fourteenth January, one thousand eight hundred and forty-three; which was read, and on motion of Mr. Hudson, referred to the committee on the State Bank.

The Senate then proceeded to consider the orders of the day.

Engrossed joint resolution in relation to section sixteen, township nineteen, range three, east, in the county of Talladega, was read the third and passed.

Ordered, that the title remain unchanged.

Engrossed bill to be entitled an act to confirm the emancipation of a certain slave therein named.

The yeas and nays on its passage being desired:

YEAS—messrs. Baylor, Brindley, Dailey, Hunter, Jones, King, McClanahan, McConnell, McVay, Moores, Oliver, Ross, Toulmin, Wallthall, Watkins and Wilson of F.

NAYS—messrs. President, Buford, Dent, Fleming, Foster, Hudson, Phillips, Reese and Wilson of J.

The bill was then read the third time and passed.

Ordered, that the title remain unchanged.

A bill to be entitled an act concerning coroners, was read the third time and passed.

Ordered, that the title remain unchanged.

A bill to be entitled an act to revive an act therein named, was read the third time and passed.

Ordered, that the title remain unchanged.

A bill to be entitled an act to authorize the loan of a portion of the

two per cent. fund to the Montgomery and West Point Rail Road Company.

Mr. Walthall moved to fill the first blank in the fourteenth line with "four per cent;" which was not put—the largest amount having preference.

Mr. Hudson moved to fill the blank with "six per cent;" which was carried.

The yeas and nays on the passage being desired:

YEAS—messrs. President, Brindley, Buford, Creagh, Dailey, Dent, Foster, Hudson, Hunter, Jones, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Walthall, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Baylor, McClanahan, McVay, Moores, Rodgers and Toulmin.

The bill was then read the third time and passed.

Ordered, that the title remain unchanged.

A bill to be entitled an act for the relief of Henry Lawrence, was read the third time and passed.

Ordered, that the title remain unchanged.

A bill to be entitled an act for the retrenchment of expenses in judicial proceedings.

Mr. Watrous offered the following amendment: "*Provided*, that the provisions of this act shall not extend to the counties of Shelby and Pickens.

Mr. Dailey proposed to amend the amendment by adding the words "Tallapoosa and Macon," after Pickens; which was lost.

The question then recurred upon the adoption of Mr. Watrous amendment; which was also lost.

On the passage of the bill the yeas and nays were desired:

YEAS—messrs. President, Baylor, Brindley, Buford, Creagh, Foster, Hunter, Jones, McAllister, Oliver, Reese, Toulmin, Walthall, Watkins and Wilson of J.

NAYS—messrs. Dailey, Dent, Fleming, Hudson, King, McClanahan, McConnell, McVay, Moores, Phillips, Rodgers, Ross, Thornton, Watrous and Wilson of F.

So the bill was rejected.

A bill to be entitled an act to repeal the laws making appropriations to objects of internal improvement, was read the third time and passed.

Ordered, that the title be as aforesaid.

A bill to be entitled an act authorizing John Erwin of the county of Lowndes, to erect gates on a certain road therein named, was read the second time and ordered to be engrossed.

A bill to be entitled an act to authorize the commissioners of the sixteenth section, township seventeen, range two, east, in the county of Marengo, to purchase a lot of land and for other purposes, was read the third and passed.

This completed the orders of the day.

Mr. Ross, from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles:

An act for the support of paupers in the county of Walker:

An act relative to the records of Henry county:

An act to divorce Jane S. Wheeler from her husband Charles Wheeler:

An act to amend an act to create a certain county therein named, and for other purposes:

An act to amend an act entitled an act to incorporate the Oak Bowery Male and Female Academy:

An act to divorce certain persons therein named:

An act concerning jurors for the counties of Walker and Marion:

An act to divorce Harriet Spriggs, from her husband, Erastus L. Spriggs:

An act fixing the time of holding justices' courts in the county of Shelby, and to establish jury trials in said county:

An act respecting roads in the county of Fayette:

An act regulating the place of holding the spring terms of the circuit court of Mobile of county, and for other purposes.

A message by Mr. Garrett, Secretary of State:

Mr. President—His Excellency the Governor has approved bills which originated in the Senate, of the following titles:

An act to incorporate the Warrior Manufacturing Company:

An act to repeal an act requiring the Governor of the State to reside at the seat of Government during the interval of the Legislature:

An act to extend the provisions of an act approved December thirty-first, one thousand eight hundred and forty-one, entitled an act to establish jury trials in justices courts in certain counties in this State, and to regulate the proceedings therein to the counties of Butler and Pike:

An act for the relief of the purchasers of a portion of the sixteenth section, in township seventeen, range two, east, in the county of Marengo:

Mr. Fleming offered the following protest; which was ordered to be spread upon the journals:

Whereas, a bill has passed the two Houses of the General Assembly, putting in liquidation the Branch Bank at Huntsville: and whereas, the bill passed in an imperfect shape, I hereby enter my solemn protest against the bill becoming a law; and more particularly so, in consequence of instructions received from a portion of the citizens of Madison county.

WM. FLEMING.

A message from the House, by Mr. Clitherall:

Mr. President—The House of Representatives has passed bills of the following titles, which originated in the Senate:

An act to repeal an act entitled an act to incorporate the town of Talladega:

An act providing for the payment of interest on the purchase money of section sixteen, township nineteen, range five, east, in Talladega county:

An act more fully to carry into effect joint resolutions passed at the present session of the Legislature, upon the subject of the alteration of the constitution of the State of Alabama:

An act to pay Goodridge Driver :

An act to regulate the mode of taking bonds by the judges of the county courts in certain cases :

An act to extend an act entitled an act granting certain privileges to Alexander Findley, of De Kalb county, approved December thirty-first, eighteen hundred and forty-one :

An act to establish a certain road in Shelby county :

Joint resolutions authorizing the purchase of chairs for the Supreme Court room :

An act for the relief of Alexander Campbell and others, purchasers of school lands in Randolph county :

An act for the relief of Frances McCoy and Semantha Wynn :

An act to establish a board of physicians in the counties of Talladega, Chambers and Barbour :

Which four last bills the House has amended as therein shown—in all of which they respectfully ask the Senate to concur.

The Senate concurred in the amendments made by the House to the foregoing bills, except so much of the amendment to the bill establishing a medical board in the counties of Talladega, &c. as strikes out the name of Thomas D. Parke.

A message from the Senate, by Mr. Clitherall :

Mr. President—The House of Representatives has originated and passed bills of the following titles :

An act to abolish certain election precincts therein named, and for the establishment of others in lieu thereof, in the counties of Dale and Coffee :

An act to define and establish the line between the counties of De Kalb, Marshall and Jackson :

An act to divide the State of Alabama into nine judicial circuits, and to fix the time of holding the several circuit courts in this State :

An act to divorce Margaret S. Oliver from her husband, Creed T. Oliver :

An act concerning the judge of the county court of Lowndes county :

An act for the relief of Alfred Fuller, and his wife, Susannah Fuller :

In all of which the concurrence of the Senate is respectfully requested.

The Senate immediately proceeded to the consideration of the foregoing bills, contained in the foregoing message ; and in the case of the two last bills, on motion, the constitutional rule was dispensed with, and the bills forthwith read three several times and passed.

Ordered, that their titles remain unchanged.

The other bills contained in the message were then severally read the first time, and the constitutional rule being suspended, they were forthwith read the second time, and referred to their appropriate committees.

The bill to divorce Margaret S. Oliver,—to the committee on divorce and alimony :

The bill to divide the State of Alabama into judicial circuits,—to the judiciary committee :

The bill to define and establish the line between the counties of De Kalb, Marshall and Jackson,—referred to a select committee, composed of Wilson of J. Rodgers and Foster :

The bill to abolish certain election precincts therein named,—to the committee on privileges and elections.

A message by Mr. Clitherall :

Mr. President—The House of Representatives has passed bills of the following titles, to wit :

An act to alter a certain road therein named :

An act to impose a certain duty upon constables :

An act to legalize the acts of Thomas M. King, Norvell B. Warren and James P. Poston, commissioners of the sixteenth section, of township four, and range five, in the county of Jackson :

An act to attach the ten acres of land on which Benjamin F. Barron resides, lying in Russell county, to the county of Macon :

An act to compensate Robert Fenner and others, for services therein specified :

An act to amend an act entitled an act to restrain excessive taxation for county purposes, in the county of Tallapoosa, approved December twenty-ninth, eighteen hundred and forty-one :

An act to view and mark out the line between the counties of Shelby and Jefferson :

An act to amend an act entitled an act to incorporate the Tallapoosa Manufacturing Company, approved December thirty-first, eighteen hundred and forty-one :

An act for the relief J. H. Hottinguer :

An act to change the time of holding the chancery court for the first district of the southern chancery division :

An act to compensate the judge of the county court of Pickens county, in certain cases, and for other purposes :

And, an act to incorporate the town of Troy :

In which they ask the concurrence of the Senate.

The above recited bills were then severally read the first time, and ordered to a second reading on to-morrow.

On motion, the Senate then adjourned till ten o'clock, to-morrow morning.

THURSDAY, February 2, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson moved to reconsider the vote taken yesterday, on the passage of the bill to regulate expenses in judicial proceedings.

And, the yeas and nays thereon, were desired by Mr. McConnell:

YEAS—messrs. President, Baylor, Brindley, Creagh, Foster, Hudson, Hunter, Jones, McVay, Oliver, Reese, Ross, Toulmin, Walthall, and Watkins.

NAYS—messrs. Dailey, Fleming, King, McClanahan, McConnell, Moores, Phillips, Rodgers, Thornton, and Wilson of F.

Mr. Hudson then moved to postpone the further consideration of the subject till Monday next; which was carried.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act authorizing John Irwin, of the county of Lowndes, to erect gates on a certain road therein named; was read the third time, and passed.

Ordered, that the title remain unchanged.

A bill to be entitled an act to incorporate the town of Troy; was read the third time, and passed.

Ordered, that the title remain unchanged.

A bill to be entitled an act to alter a certain road therein named.

On motion of Mr. Oliver, the constitutional rule was suspended, and the bill read a third time, and passed.

Ordered, that title remain unchanged.

Bills of the following titles were then severally read the second time, and referred to appropriate committees:

An act to compensate the judge of the county court of Pickens county, in certain cases, and for other purposes; to a select committee—composed of messrs King, Hunter, and McAllister.

An act to compensate Robert Fenner, and others, for services therein specified,—being on its second reading; to the committee on accounts and claims.

An act to change the time of holding the chancery courts for the first district of the southern chancery division, being on its third reading, was, on motion of Mr. Toulmin, referred to a select committee—composed of messrs. Toulmin, Hudson, and Wilson of J

A bill to be entitled an act for the relief of J. Henri Hottinguer; was read the second time, and ordered to a third reading.

An act to amend an act entitled, an act to incorporate the Tallapoosa Manufacturing Company—approved December thirty-first, one thousand eight hundred and forty-one; to the committee on the judiciary.

An act to run and mark out the line between the counties of Shelby and Jefferson; to the committee on county boundaries.

A bill to be entitled an act to amend an act entitled, an act to restrain excessive taxation for county purposes, in the county of Tallapoosa—approved December twenty-ninth, one thousand eight hundred and forty-one; was read the second time, and ordered to a third reading.

An act to attach the ten acres of land on which Benjamin F. Barron resides, lying in Russell county, to Macon county—to the committee on county boundaries.

An act to legalize the acts of Thomas M. King, Novel B. Warren, and James P. Porton, commissioners of the sixteenth section of township four, and range five, in the county of Jackson; on motion, referred to a select committee—composed of messrs. Wilson of J. Hudson, and Rodgers.

An act to impose a certain duty upon constables; was read a second time, and on motion of Mr. Wilson of F. laid on the table.

A message from the House, by Mr. Clitherall:

Mr. President—The House of Representatives has passed the accompanying bills—

A bill to be entitled an act for the relief of Sarah Switzer and Sarah P. Atkins:

An act to extend the time for the removal of certain slaves emancipated by a decree of the county court of Clarke county:

An act extending the provisions of certain acts therein named:

An act for the relief of Jane Doss:

An act to divorce Benjamin Gleadall from his wife Ellen Gleadall:

An act to exempt certain property therein named from execution in the several courts of this State:

An act to authorize Richard Greene, of the county of Marengo, to change the guardianship of his ward, Seaborn J. Butler:

An act to add a portion of Wilcox county to the county of Marengo:

An act for the relief of John Hurst and Jordan Thornton:

An act to change the name of a certain person therein named, and for other purposes:

An act to authorize John Haughton to erect a mill on the west bank of the Coosa river:

An act to repeal an act therein named:

An act to authorize Henry Potter to erect a gate on his land, through which runs the Saunders ferry road:

Joint resolutions in relation to claims of the State upon the General Government:

Joint resolutions for the relief of Isaac Swan, tax collector of Sumter county, and for other purposes:

An act to amend an act entitled, an act to incorporate the town of Dadeville, in Tallapoosa county—approved December twenty-first, one thousand eight hundred and forty-one:

An act more effectually to secure costs to constables in the county of Marion:

An act for the relief of a certain person therein named:

An act to authorize Aaron A. Burleson to establish a ferry in the county of Morgan:

An act for the relief of tales jurors in the county of Covington:

And, an act permanently to locate the site of justice in the county of Dale, and for other purposes:

In which the concurrence of the Senate is requested.

The above recited bills were then severally read the first time, and ordered to a second reading on to-morrow.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed bills of the following titles, which originated in the House—

An act to abolish certain election precincts therein named, and for the establishment of others in lieu thereof, in the counties of Dale and Coffee:

An act to amend the laws now in force in relation to insolvent estates:

An act to regulate the management and expenses of the Bank of the State of Alabama, and its several Branches:

An act in relation to a certain purchase of a part of the sixteenth section, in township twenty, range fourteen, west, in Pickens county:

A bill to amend the patrol law:

An act to amend an act entitled, an act to incorporate the town of Warrenton, in the county of Marshall:

In which the concurrence of the Senate is requested.

The above recited bills were severally read the first time, and on motion, the constitutional rule was suspended—they were read the second time, and referred to the appropriate committees.

A bill to amend the act incorporating the town of Warrenton—to a select committee, composed of messrs. Brindley, Wilson of J. and Foster.

A bill in relation to the purchase of a part of the sixteenth section, township twenty, range fourteen, west, in Pickens county—to a select committee, composed of messrs. King, Watrous, and Oliver.

A bill to regulate the management and expenses of the State Bank and Branches—to the committee on the State Bank.

An act to amend the laws now in force in relation to insolvent estates—to the judiciary committee:

A bill to be entitled an act to amend the patrol law—was, on motion of Mr. Creagh, indefinitely postponed:

For the indefinite postponement—messrs. Brindley, Creagh, Fleming, McAllister, McClanahan, McConnell, McVay, Phillips, Rodgers, Thornton, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs. President, Baylor, Dailey, Foster, Hudson, Jones, King, Moores, Oliver, Reese, Ross, and Watrous.

Mr. Wilson of F. from the committee on privileges and elections, to which was referred a bill to abolish certain election precincts, and for the establishment of others in lieu thereof, in the counties of Dale and Coffee, --reported the same back to the Senate with the following amendments, and thus amended, recommended its passage:

Section 5. *And be it further enacted*, That an election precinct is hereby established at Goldville, in the county of Tallapoosa; also, one at Jacks' Springs, in the county of Baldwin.

Amendments concurred in by the Senate, and the bill ordered to a third reading on to-morrow.

Mr. McClanahan reported, that the committee on enrolled bills, have examined and find correctly enrolled, bills of the following titles, to wit—

An act to authorize the commissioners of the sixteenth section, township seven, range two, east, in St. Stephens' land district, to rescind a certain contract therein described:

An act to amend an act entitled, an act to authorize the sale of property at the town of Fairfield, in Pickens county; and also, at Greensboro', in the county of Greene—approved December thirty-first, one thousand eight hundred and forty-one:

An act to compensate Adam Zimmerman, for two slaves, executed in pursuance of law:

An act relative to justices' courts, in the county of Marshall:

An act to incorporate the Montgomery Hook and Ladder Company:

An act to secure the performance of the duties of public ferrymen:

An act for the relief of Charles Stone, and his wife Mary S.

An act for the relief of the legal representatives of John Scott, senior, deceased:

An act to alter and amend the road law, as to the county of Marion.

On motion, the Senate then adjourned until to-morrow, at ten o'clock.

FRIDAY, February 3, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Phillips, from the judiciary committee, to which was referred a bill to be entitled an act to limit the age at which minors shall be confined in the Penitentiary of this State,—reported that it is inexpedient to legislate upon the subject.

On the question of concurring in the report, the yeas and nays were desired:

YEAS—messrs. President, Brindley, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, Moores, Phillips, Ross, Toulmin, Watkins, and Wilson of J.

NAYS—messrs. Creagh, Hunter, King, McVay, and Walthall.

So the report was concurred in by the Senate.

Mr. Phillips, from the same committee, to which was referred a bill to be entitled an act to extend the limitations of prosecutions in the county of Montgomery,—reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Ross reported, that the committee on enrolled bills have examined, and find correctly enrolled, bills of the following titles, to wit—

An act to establish a certain road in Shelby county:

An act providing payment of interest on the purchase money of the sixteenth section, township nineteen, range five, east, in Talladega county:

An act more fully to carry into effect, joint resolutions passed at the present session of the Legislature, upon the subject of the alteration of the Constitution of the State of Alabama:

An act to extend an act entitled, an act granting certain privileges to Alexander Findley, of De Kalb county—approved December thirty-first, one thousand eight hundred and forty-one:

An act to regulate the mode of taking bonds by the judges of the county courts, in certain counties:

An act to repeal an act entitled, an act to incorporate the town of Talladega:

An act to pay Goodridge Driver:

An act to provide for the recovering the State Capitol:

An act to authorize the commissioners of the sixteenth section, township twelve, range four, east, in the Demopolis land district, to rescind a certain contract therein described:

Joint resolutions in relation to a sixteenth section therein named:

An act for the relief of sundry citizens of Walker county:

An act to exempt certain persons in the county of Mobile, from working on roads:

And, an act authorizing Samuel P. Jones to draw a certain sum of money therein named.

Mr. Phillips, from the judiciary committee, to which was referred a bill to be entitled an act to alter the laws now in force, relating to the

change of venue,—reported the same back to the Senate, with the following amendment—and thus amended, recommended its passage:—*“Provided, that when a motion for change of venue shall have been made and overruled, a change of venue shall not be allowed at any subsequent term.”*

Which amendment was concurred in.

Mr. Phillips, from the same committee, to which was referred a bill to be entitled, an act regulating the proof required to sustain an action at law, in certain cases,—reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Phillips, from the same committee, to which was referred a resolution of inquiry, into the expediency of amending the laws on the subject of settlements with administrators, executors, &c.,—reported, that it is inexpedient to legislate on the subject

The report was concurred in by the Senate, and the committee discharged from its further consideration.

Mr. Phillips, from the same committee, to which was referred a bill to divide the State into nine judicial circuits, and to fix the times of holding the terms of the several circuit courts in this State, reported the same back to the Senate, with the following amendments—and thus amended, recommended its passage: strike out the word “first,” where it occurs in the sixth line of the seventh section, and insert the word “second;” which amendment was concurred in.

Mr. Walthall moved further to amend, by striking out of the second section, where they occur, the following words:—“In the county of Marengo, on the first Monday in March and September in each year, and continue three weeks,—in the county of Perry, on the fourth Mondays in March and September, in each year and continue two weeks”—strike out the word “and,” where it occurs in the eleventh line from the beginning of said section, after the word “weeks,” where it occurs in the thirteenth line from the beginning of said section, insert the following: “in the county of Perry, on the fifth Mondays after the fourth Mondays in March and September in each year, and continue two weeks; and in the county of Marengo, on the seventh Mondays after the fourth Mondays in March and September, and continue until the business is disposed of.”

For the adoption of the amendment—messrs. President, Baylor, Brindley, Creagh, Fleming, Foster, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Ross, Toulmin, Walthall, Watkins and Wilson of J.

NAYS—messrs. Buford, Hudson and King.

So the amendment was adopted:

Mr. McClanahan moved further to amend by striking out the two last lines in the fourth section, and inserting, after the word “of” in the third line of the fourth section, Morgan, “on the second Mondays of March and September in each year, and continue one week.”

Which was adopted.

Mr. Creagh moved further to amend, “the fall term of the circuit court

of the county of Clarke, shall continue in session six judicial days for the year eighteen hundred and forty-four."

Which was adopted.

Mr. Foster moved further to amend, by the following: "Cherokee, and continue one week, in the spring, and two in the fall, Benton, three in the spring, and four in the fall."

Which was adopted.

The yeas and nays were then taken on ordering the bill to a third reading:

YEAS—messrs. President, Brindley, Buford, Creagh, Fleming, Foster, Jones, McAllister, McConnell, McVay, Phillips, Thornton, Walker, Walthall, Watkins and Wilson of J.

NAYS—messrs. Baylor, Henderson, Hunter, King, Moores, Ross, Toulmin and Watrous.

Which was carried.

The bill was then read the third time.

For its passage—YEAS—Messrs. President, Baylor, Buford, Creagh, Fleming, Foster, Hudson, Hunter, Jones, McClanahan, McVay, Moores, Phillips, Walthall, Watkins and Wilson of J.

NAYS—messrs. King, McAllister, McConnell, Ross, Thornton, Toulmin, Walker and Watrous.

So the bill passed.

Ordered, that the title remain unchanged.

Mr. Ross reported that the committee on enrolled bills had examined and found correctly enrolled, bills of the following titles, to wit:

An act for the relief of Alexander Campbell and others, purchasers of school lands in Randolph county:

An act for the benefit of Frances McCoy, and Semantha Wynn:

An act to put in liquidation the Branch of the Bank of the State of Alabama at Huntsville:

Joint resolutions authorizing the purchase of chairs for the Supreme court room.

Mr. Baylor, from the committee on the judiciary, to which was referred a petition of sundry citizens in behalf of Jacob Lacy, reported the same back to the Senate, with a bill covering the premises, and recommended its passage.

The bill was read the first time, and ordered to a second reading.

Mr. Toulmin, from the committee on the State Banks, to which was referred a resolution to inquire into the expediency of passing a law for the protection of the bills of the State Bank and its several Branches, by using the available assets of the different Banks for that purpose—reported, that the object sought to be obtained by the resolution, has been provided for in bills which have passed the Senate, and ask to be discharged from the further consideration of the subject—committee discharged.

Mr. Fleming, from the same committee, to which was referred a bill to secure more effectually to the people of the State, the attendance of the President and Directors of the Branch of the Bank of the State of Alabama at Mobile, for the transaction of the business of the people with said

Bank—reported, that it is inexpedient to legislate upon the subject—which report was concurred in.

Mr. Brindley, from the select committee, to which was referred the engrossed bill, to be entitled an act to incorporate the town of Warrenton, in the county of Marshall—reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Wilson of J. from the select committee, to which was referred a bill, to be entitled an act to define and establish the line between the counties of De Kalb, Marshall and Jackson—reported the same back to the Senate, and recommended its passage.

Mr. Moores, from the committee, to which was referred a bill to incorporate the Dayton Literary Association—reported the same back to the Senate, with the amendment of the following additional section, and thus amended, recommended its passage:

Sec. 4. *Be it further enacted*, That any stockholder of said association may, (if he desires it,) be, and is hereby released from all liabilities to said association, upon condition that he or she pays up the amount subscribed by him or them.

The bill was placed among the orders of the day.

On motion, leave of absence was granted for the remainder of the session, to Mr. Dent and to Mr. Dailey.

Mr. King, from the select committee, to which was referred a bill to compensate the judge of the county court of Pickens county, for certain services therein named, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. King, from the select committee, to which was referred a bill in relation to a certain sixteenth section therein named, reported the same back to the Senate, with the following amendment, and thus amended, recommended its passage: strike out “the citizens,” where they occur in the third line, and in the twelfth line of the first section, and insert in lieu thereof, “all the qualified voters;” and insert after the words “first obtained,” in the third line, section first, these words: “with the assent of the makers of the notes;” and strike out the word “they,” in the fourteenth line of first section, and insert in lieu thereof, “that the makers of the notes:”

Which amendment was concurred in, and the bill placed among the orders of the day.

Mr. Toulmin, from the special committee, to which was referred an engrossed bill to be entitled an act to change the time of holding the chancery courts for the first district in the southern chancery division, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

(Mr. Buford in the chair.)

Mr. Hunter offered joint resolutions for the application of the proportional amount of the distribution fund, passed to the credit of the State of Alabama, to the payment of the interest falling due on the State bonds;

For the adoption of the joint resolutions—messrs. Buford, Foster, Hunter, King, Moores, Phillips, Rodgers, Ross, Thornton, Watkins and Watrous.

NAYS—messrs. President, Baylor, Brindley, Creagh, Fleming, Hudson, Jones, McAllister, McClanahan, McVay, Toulmin, Walker and Walthall.

So the resolution was lost.

Mr Foster introduced a bill to change the time of convening the General Assembly.

Mr. Ferry moved that the bill be indefinitely postponed, and demanded the yeas and nays :

YEAS—messrs. President, Baylor, Brindley, Buford, Hudson, Jones, McClanahan, McVay, Moores, Ross, Thornton, Walker, Watkins, Watrous, Wilson of F. and Wilson of J.

NAYS—messrs. Creagh, Fleming, Foster, Hunter, King, McAllister, McConnell, Phillips, Rodgers, Toulmin and Walthall.

So the bill was indefinitely postponed.

Mr Watrous introduced a bill to regulate the practice in the chancery courts of this State in certain cases ; which was read the first time, and on motion, the rule suspended, and the bill read the second time, and referred to the judiciary committee.

Mr. Phillips moved to take up the resolution offered by mr. Dent on the nineteenth ultimo, proposing to adjourn *sine die* ; which was lost.

Mr. Creagh presented the account of John W. Jennings, Isaac Martin and Joseph McCarty ; which was referred to the committee on accounts and claims

Mr. Rodgers introduced a bill for the protection of females ; which was read the first time :

Mr. Rodgers moved the suspension of the constitutional rule ; which was refused, and the bill ordered to a second reading on to-morrow.

Mr. Wilson, from the select committee, to which was referred a bill to legalize the acts of Thomas N. King and others, commissioners of a certain sixteenth section in Jackson county, reported the same back to the Senate, and recommended its passage.

On motion, the bill was then read the third time and passed.

Ordered, that the title remain unchanged.

Mr. Moores, from the committee on divorce and alimony, to which was referred a bill to divorce Margaret S. Oliver from her husband, Creed T. Oliver, reported the same back to the Senate, and recommended its passage.

The Senate then proceeded to the consideration of the orders of the day.

Bills of the following titles were then read a second time, and ordered to a third reading on to-morrow :

An act permanently to locate the site of justice in the county of Dale, and for other purposes :

An act to repeal an act therein named :

An act for the relief of tales jurors in the county of Covington :

An act to authorize Aaron A. Burleson to establish a ferry in the county of Morgan :

An act for the relief of a certain person therein named :

An act more effectually to secure costs to constables in the county of Marion :

Mr. Wilson of F. moved the indefinite postponement of the bill ; which was lost.

An act to amend an act to incorporate the town of Dadeville, in Talapoosa county, approved December twenty-first, eighteen hundred and forty-one :

Joint resolutions for the relief of Isaac Swan, tax collector of Sumter, and for other purposes :

An act to authorize Henry Potter to erect a gate on his land, over which runs the Saunders' ferry road :

An act to authorize John Haughton to erect a mill on the west bank of the Coosa river :

An act to change the name of a certain person therein named, and for other purposes :

An act for the relief of John A. Hurst, and Jordan Thornton:

An act to authorize Richard Greene of the county of Marengo, to change the guardianship of his ward Seaborn J. Butler:

An act to exempt certain property therein named from execution in the several counties of this State:

Mr. Walker moved the indefinite postponement of the bill:

YEAS—messrs. Moores and Walker

NAYS—messrs. President, Baylor, Brindley, Buford, Creagh, Fleming, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walthall, Watrous, Watkins, Wilson of F. and Wilson of J.

So the Senate refused to postpone indefinitely.

Mr. Connell offered the following amendment, to come in after the word "levied," "one man's saddle, and one ladies' saddle."

Mr. Creagh moved to strike out from that amendment, "man's saddle;" which was lost.

The question then recurred on the adoption of Mr. McConnell's amendment; which was carried.

An act for the relief of Jane Doss:

An act extending to the county of Jackson the provisions of certain acts there named:

An act to extend the time for the removal of certain slaves emancipated by the decree of the county court of Clarke county:

An act for the relief of Sarah Switzer, and Sarah P. Atkins:

And, an act to alter the laws now in force relating to the change of venue:

Bills of the following titles were then severally read the second time and referred to appropriate committees:

An act to attach the ten acres of land on which Benjamin F. Baron resides, lying in Russell county, to the county of Macon—to a select committee, composed of messrs. Buford, Rodgers and Creagh:

Joint resolutions in relation to the claims of the State of Alabama on the General Government—to the committee on federal relations:

An act to add a portion of Wilcox county to the county of Marengo—to the committee on county boundaries:

An act to divorce Benjamin Gleadall, from his wife, Ellen Gleadall:

Bills of the following titles were then severally read the third time and passed:

An act for the relief of J. Henri Hottinguer:

An act to amend an act entitled an act to restrain excessive taxation for county purposes in the county of Tallapoosa, approved December twenty-nine, one thousand eight hundred and forty-one:

An act to abolish certain election precincts therein named, and for the establishment of others in lieu thereof, in the counties of Dale and Coffee:

Mr. McAllister offered the following amendment, by way of engrossed ryder; which was read three several times and passed:

“Section 6. *And be it further enacted*, That the election precincts heretofore established in the county of Henry, at the House of Elias Miller, at Franklin, at Haynes’ store, and at the house of Mary Anderson, be and the same are hereby abolished, and in lieu thereof, the following are established, one at the house of Henry K. Scott; one at Open Pond; one at the house of Mr. Cumbo; one at the house of John B. Williams; all in said county.”

An act to extend the limitation of prosecutions in the county of Montgomery:

An act regulating the proof required to sustain an action at law in certain cases:

For the passage of this bill—messrs. Buford, Foster, Hunter, Jones, King, McAllister, McConnell, McVay, Moores, Phillips, Reese, Ross, Walker and Watrous.

NAYS—messrs. President, Baylor, Creagh, Fleming, Hudson, McClanahan, Rodgers, Thornton, Toulmin, Walthall, Watkins, Wilson of F. and Wilson of J.

An act to amend an act to incorporate the town of Warrenton, in the county of Marshall:

An act to define and establish the line between the counties of De Kalb, Marshall and Jackson:

An act to compensate the Judge of the county court of Pickens county in certain cases, and for other purposes:

An act to change the time of holding the chancery courts for the first district of the southern chancery division:

And, an act in relation to a certain purchase of a part of the sixteenth section, township twenty, range fourteen, west, in Pickens county.

Ordered, that the titles of the foregoing bills remain unchanged.

A bill to be entitled an act to incorporate the Dayton literary association, was ordered to be engrossed for a third reading on to-morrow.

And this completed the orders of the day.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed the following bills from the Senate:

A bill to compensate Daniel M. Forney:

A bill to authorize James J. McQueen to erect a toll bridge across the Pintlalla Creek:

An act for the relief of Mildred Hogue;

An act for the relief of Nancy Jane Jones, and have amended the same by extending the provisions of the bill to Elizabeth Revis:

An act to change the time of holding the county court of Bibb county:

An act to authorize the Judge of the county court and commissioners of roads and revenue of Dallas county to execute titles to certain real estate:

An act to regulate the duties of the treasurer of Montgomery county:

An act to continue the President and Trustees of the Pineland Academy, in Mobile county, a body corporate:

An act explanatory of certain joint resolutions therein named:

An act to incorporate the Male and Female Academy at the village of Turnbull, in the county of Monroe:

Also, bills of the following titles, which originated in the House:

An act for the relief of the administrator of the estate of William H. Betts:

Joint resolutions proposing a change in the Constitution of the State of Alabama, so as to legalize biennial sessions of the Legislature, and reduce the number of the members thereof:

An act for the relief of Julia S. Sample, in Autauga county:

And, an act making appropriations for the payment of certain claims against the State:

In all which the concurrence of the Senate is asked.

The Senate concurred in the amendment made by the House, as recited in the foregoing message.

The joint resolutions from the House of Representatives proposing a change in the Constitution of this State, making the sessions of the Legislature biennial, and reducing the number of members, was read the first time and ordered to a second reading on to-morrow.

The bill for the relief of the administrators of the estate of William H. Betts, was read the first time and ordered to a second reading.

The bill for the relief of Julia S. Sample of Autauga county, was read the first time in the Senate, and ordered to a second reading to-morrow.

The bill making appropriations for the payment of certain claims against the State, was read the first time, and on motion, by Mr. Hudson, the constitutional rule was suspended, and the bill forthwith read the second time and referred to the committee on accounts and claims.

Mr. Wilson of J. moved to reconsider the vote taken this morning, on the passage of the bill dividing the State of Alabama into nine judicial circuits, &c. &c.

Mr. McConnell called for the yeas and nays on Mr. Wilson's motion:

YEAS—messrs. President, Baylor, Buford, Creagh, Fleming, Hud-

son, Hunter, Jones, McAllister. McVay, Phillips, Rodgers, Thornton, Toulmin, Watkins, Wilson of F. and Wilson of J.

NAYS—messrs Brindley, Foster, King, McClanahan, McConnell, Moores, Reese, Ross, Walker and Walthall.

So the vote was reconsidered.

On motion of Mr. Toulmin, the vote on the adoption of Mr. McClanahan's amendment was also reconsidered; and the question recurring on the adoption of the amendment offered by Mr. McClanahan; the amendment was lost.

The bill was then read and passed.

Ordered, that the title remain unchanged; and that the Secretary report the bill to the House as early as practicable.

On motion of Mr. King, the Senate then adjourned till ten o'clock, to-morrow.

SATURDAY, February 4th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Ross reported that the committee on enrolled bills have examined and find correctly enrolled, bills of the following titles:

An act to revive and continue the President and Trustees of the Pine-land Academy in Mobile county, as a body corporate:

An act to authorize the Judge of the county court and commissioners of road and revenue of Dallas county, to execute titles to certain real estate.

An act to regulate in part the duties of the treasurer of Montgomery county:

An act for the relief of Alfred Fuller, and his wife, Sarah Fuller:

An act concerning coroners:

An act concerning the Judge of the county court of Lowndes county.

Mr. Baylor, from the committee on education, to which was referred a bill to be entitled an act regulating the issuance of patents for sixteenth sections of lands, reported the same back to the Senate and recommended its passage.

The bill was placed among the orders of the day.

Mr. Toulmin, from the committee on the State Bank, to which was referred a bill to regulate the Bank of the State of Alabama and the Branches at Huntsville and Montgomery, reported that the provisions of said bill are embraced in other bills, which have passed, and are now under consideration, and ask to be discharged from the further consideration of this bill.

The committee were discharged.

Mr. Fleming, from the committee on county boundaries, to which was referred a bill to run and mark out the line between the counties of Shelby and Jefferson, reported the same back to the Senate with the following amendment, and thus amended recommended its passage:

"Section 6. *And be it further enacted*, That said commissioners shall commence said survey at the part of the ridge directly east of the

dwelling house of William Gilbert, and pursue the act passed in one thousand eight hundred and thirty-one, leaving said Gilbert's house plantation in Shelby county."

Which amendment was concurred in, and the bill placed among the orders of the day.

Mr. King introduced a bill to make uniform the time of holding the commissioners court in the county of Pickens; which was read the first time, and on motion, the constitutional rule being suspended, was read the second and third times forthwith and passed.

Ordered, that the title remain unchanged.

Mr. Reese introduced a bill to extend the right of appeal; which was read the first time, and the constitutional rule being suspended, was read the second time forthwith, and referred to the judiciary committee.

Mr. President laid before the Senate a communication and accompanying documents from the Cashier of the State Bank, responsive to a resolution adopted by the Senate on the seventeenth ultimo.

On motion of Mr. Moores, the same were laid on the table.

Mr. Ross reported that the committee on enrolled bills, have examined and find correctly enrolled, a bill of the following title: an act to authorize James McQueen to erect a toll bridge across the Puettala Creek.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act for the relief of a certain individual therein named, was read the second time.

Mr. McVay offered the following amendment:

"*Provided*, That the said Lacy give bond with sufficient security, approved of by the Judge of the county court of Lauderdale county, by whom said bond shall be taken, payable to the Governor or his successors in office, in the sum of one thousand dollars, conditioned for the good behavior of said Lacy during his residence in this State, and that he shall not become a public charge to any city, county, or town in the State of Alabama."

Which was adopted.

On ordering the bill to be engrossed—YEAS—messrs. President, Brindley, Creagh, Fleming, Foster, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Jones, Reese, Ross, Thornton, Toulmin, Watkins, Watrous and Wilson of J.

NAYS—messrs. Hudson and Phillips.

So the bill was ordered to be engrossed for a third reading.

Bills of the following titles were then severally read the third time, and passed:

An act permanently to locate the site of justice in the county of Dale, and for other purposes:

An act to repeal an act therein named:

An act for the relief of tales jurors in the county of Covington:

An act to authorize Aaron A. Burleson to establish a ferry in the county of Morgan:

An act for the relief of a certain person therein named:

An act more effectually to secure costs to constables in the county of Marion:

An act to amend an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, approved December twenty-first, one thousand eight hundred and forty one:

Joint resolutions for the relief of Isaac Swan, tax collector of Sumter county, and for other purposes:

An act to authorize Henry Potter to erect a gate on his land, over which runs the Saunders' ferry road:

An act to authorize John Haughton to erect a mill on the west bank of the Coosa river:

An act to change the name of a certain person therein named, and for other purposes:

An act for the relief of John A. Hurst and Jordan Thornton:

An act to authorize Richard Greene, of the county of Marengo, to change the guardianship of his ward, Seaborn J. Butler:

An act to exempt certain property therein named, from execution, in the several counties in this State:

An act for the relief of Jane Doss:

An act extending to the county of Jackson, the provisions of certain acts therein named:

An act to extend the time for removal of certain slaves emancipated by a decree of the county court of Clarke county:

An act for the relief of Sarah Switzer, and Sarah P. Atkins:

An act regulating the issuing of patents for sixteenth section lands:

An act to run and make out the line between the limits of Shelby and Jefferson:

An act to alter the laws now in force relating to the change of venue:

An act to incorporate the Dayton Literary Association:

Joint resolutions proposing a change in the Constitution of the State of Alabama, so as to legalize biennial session of the Legislature, and reduce the number of members thereof—was read the second time.

On motion of Mr. McVay, referred to a select committee, composed of one member from each judicial circuit, which committee are, messrs. McVay, King, Thornton, Touchlin, Phillips, McConnell, Reese, McAllister and Buford.

An act for the protection of females—was read the second time.

On motion of Mr. Wilson of J. referred to the committee on propositions and grievances.

Bills of the following titles were then severally read the second time and ordered to a third reading:

An act for the relief of the administrators of the estate of William H. Betts:

An act for the relief of Julia S. Sample, of Autauga county, was read a second time.

The question being on ordering it to a third reading, the yeas and nays were desired:

YEAS—messrs. Brindley, Buford, Fleming, Foster, Hunter, Jones, King, McAllister, McConnell, McVay, Moores, Ross, Thornton, Toulmin, Watkins and Watrous.

NAYS—messrs. President, Creagh, Hudson and McClanahan.

So the bill was ordered to a third reading on to-morrow.

This completed the orders of the day.

Mr. Ross, from the committee on enrolled bills, reported that the committee have examined and find correctly enrolled, bills of the following titles:

An act to incorporate the town of Troy:

And, an act to alter a certain road therein named.

A message by Mr. Harrison:

Mr. President—His Excellency the Governor has approved bills which originated in the Senate, of the following titles, to wit:

An act regulating the place of holding the special term of the circuit court of Mobile county, and for other purposes:

An act for the relief of Alexander Campbell, and others, purchasers of school lands, in Randolph county:

An act for the relief of Frances McCoy and Semantha Wynn:

Joint resolutions authorizing the purchase of chairs for the Supreme Court room.

An act to pay Goodridge Driver:

And, an act to put in liquidation the Branch of the Bank of the State of Alabama at Huntsville—

A message by Mr. Clibbhall:

Mr. President—The House of Representatives has passed bills of the following titles, which originated in the Senate:

A bill relative to commissioners courts of roads and revenue for the counties of Montgomery and Lowndes:

A bill authorizing the levy of a special tax in Talladega county:

A bill for the relief of Walter Chiles:

A bill to amend the charter of the city of Tuscaloosa, amended as therein shown:

A bill to repeal in part and amend an act to provide for the sale of lands and slaves in the town of Decatur, in certain cases, approved January second, one thousand eight hundred and forty:

A bill authorizing proceedings at the instance of the State of Alabama, against the owners of turnpike roads in certain cases:

A bill amendatory of an act entitled an act for the better regulating the public printing, and altering the mode of paying for the same—amended as therein shown:

And, a bill to authorize Charles McLemore and his associates to build a bridge across the Tallapoosa river.

The House has also passed the following bills:

A bill to reduce the pay of the Inspectors of the Penitentiary and define their duties, and for other purposes.

A bill to enable the corporate authorities of the city of Mobile to provide for the security and payment of the debts of said city, and for other purposes:

A bill further to amend the charter of the Alabama Life Insurance and Trust Company:

A bill to amend an act entitled an act to prevent surprise and injury to defendants in execution:

Also, joint resolutions in regard to the Muscle Shoals canal, in the county of Lauderdale:

And joint resolutions in regard to the expense accounts of the Bank of the State of Alabama and its Branches:

A bill for the relief of certain persons therein named:

In which the concurrence of the Senate is requested.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill from the Senate, to reduce the fees of the clerks of the several courts of this State, sheriffs and other officers,—amended by the House—in which the concurrence of the Senate is requested.

(Mr. Hudson in the Chair.) Bills of the following titles were then severally read the second time, and referred to the appropriate committees:

Joint resolutions in reference to the expense accounts of the Bank of the State of Alabama and its Branches, was read the first time.

On motion of Mr. Toulmin, the constitutional rule was suspended, the bill read the second time, and referred to the committee on the State Bank.

Joint memorial and resolutions in regard to the Muscle Shoals canal, in the county of Lauderdale.

Mr. Phillips moved the indefinite postponement of the bill.

Mr. King moved to refer it to the committee on inland navigation and internal improvement, with the following instructions: That it be referred to the committee on inland navigation and internal improvement, with instructions to so amend the resolutions as to ask of Congress the use of the distribution share of Alabama, of the proceeds of the sales of the public lands, for the purpose of finishing the canal on Tennessee river.

A division of the question was called for,—and the question as to its reference, was carried.

The question then recurring on the adoption of the instructions—the yeas and nays were called:

YEAS—messrs. Buford, Hunter, King, Moores, Phillips, Thornton, and Watrous.

NAYS—messrs. President, Brindley, Creagh, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Reese, Rodgers, Ross, Toulmin, Watkins, and Wilson of J.

So the motion to instruct was lost,—and the bill referred to the committee on inland navigation and internal improvement.

An act to amend an act entitled, an act to prevent surprise and injury to defendants in execution, approved January twenty-fourth, eighteen hundred and thirty-nine, was read the first time, and ordered to a second reading.

An act to authorize the corporate authorities of the city of Mobile, to

provide for the security and payment of the debts of the said city, and for other purposes, was read the first time.

On motion of Mr. McConnell, the constitutional rule was suspended, and the bill read the second time.

On motion of Mr. Toulmin, the bill was referred to a select committee—consisting of messrs. Toulmin, Creagh, and McAllister.

Senate bill, amendatory of an act for the better regulation of the State printing, and altering the mode of paying for the same; amended by the House as follows:

First—Strike out “fifteen” in the fifth line, and insert “twenty-five;” second amendment—fill blank in the second with “four.”

Mr. Rodgers moved to amend the amendment, by striking out “twenty-five,” and inserting “twenty.”

Mr. Creagh moved to concur in the amendment of the House, and desired the yeas and nays:

YEAS—messrs. Buford, Creagh, Hunter, King, McVay, Moores, Phillips, Ross, and Watrous.

NAYS—messrs. President, Brindley, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, Rodgers, Thornton, Toulmin, Watkins, and Wilson of J.

So Mr. Creagh's motion was lost.

Mr. Watkins moved to strike out “five,” and desired the yeas and nays:

YEAS—messrs. Brindley, Buford, Fleming, Foster, Hudson, Hunter, King, McAllister, McClanahan, McConnell, Rodgers, Thornton, Toulmin, Watkins, and Wilson of J.

NAYS—messrs. President, Creagh, Jones, McVay, Moores, Phillips, Ross, and Watrous.

So Mr. Watkins' motion was carried.

Mr. Terry moved to strike out “twenty,” and called for the yeas and nays:

YEAS—messrs. President, Brindley, Fleming, Hudson, Jones, McAllister, McClanahan, and Toulmin.

NAYS—messrs. Buford, Creagh, Foster, Hunter, King, McConnell, McVay, Moores, Phillips, Reese, Rodgers, Ross, Thornton, Watkins, Watrous, and Wilson of J.

So the motion to strike out “twenty” was lost, and the first amendment as amended, concurred in.

The Senate concurred in the amendments made by the House to the bill to be entitled an act to amend the charter of the city of Tuscaloosa.

An act for the relief of certain persons therein named, was read the first time in the Senate.

On motion of Mr. Creagh, the constitutional rule was suspended, the bill read the second time, and referred to the committee on accounts and claims.

An act further to amend the charter of the Alabama Life Insurance and Trust Company, was read the first time in the Senate.

On motion of Mr. Toulmin, the constitutional rule being dispensed

with, the bill was read the second and third times forthwith, and passed.
Ordered, that the title remain unchanged.

An act to reduce the pay of the Inspectors of the Penitentiary, and define their duties, and for other purposes, was read the first time in the Senate.

On motion of Mr. Wilson of J. the constitutional rule was dispensed with, the bill read a second and third times forthwith, and passed.

Ordered, that the title remain unchanged.

The amendments of the House to a bill of the Senate, to be entitled an act to reduce the fees of the clerks of the several courts of this State, sheriffs, and other officers, was under consideration,—when, on motion of Mr. King, the Senate adjourned until Monday morning, ten o'clock.

MONDAY, February 6, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Moores, from the committee on divorce and alimony, to which was referred a bill to divorce Benjamin Gleadall, from his wife Ellen Gleadall,—reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Hudson, from the committee on accounts and claims, to which was referred an engrossed bill from the House of Representatives, for the relief of certain persons therein named,—reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Phillips, from the committee on the judiciary, to which was referred a bill to be entitled an act to amend the laws now in force in relation to insolvent estates,—reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Phillips, from the same committee, to which was referred a bill to regulate the practice in the chancery courts of this State, in certain cases,—reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Phillips, from the same committee, to which was referred a bill to be entitled an act to amend an act entitled, an act to incorporate the Tallapoosa Manufacturing Company, approved December thirty-first, one thousand eight hundred and forty-one,—reported the same back to the Senate, and asked to be discharged from the further consideration of the subject.

The committee was discharged.

Mr. Toulmin, from the committee on the State Bank, to which was referred joint resolutions of the General Assembly of the State of Alabama, on the subject of the ultimate redemption of the bonds and circulation of this State,—reported, that it is inexpedient to adopt the same.

On motion of Mr. Hudson, the report and resolutions were laid on the table.

The report and resolutions were laid on the table.

Mr. President presented a communication from the Cashier of the Branch Bank at Decatur, responsive to a resolution adopted by the Senate, on the seventeenth January.

On motion of Mr. Hudson, the communication was laid on the table.

Mr. Ross, from the committee on enrolled bills, reported that they had examined and find correctly enrolled, bills of the following titles—

An act to incorporate the Male and Female Academy at the village of Turnbull, in the county of Monroe:

An act relative to commissioners' courts of roads and revenue for the counties of Montgomery and Lowndes:

An act authorizing the levy of a special tax in Talladega county:

An act to repeal in part and amend an act to provide for the sale of lands and slaves in the town of Decatur, in certain cases, approved January second, one thousand eight hundred and forty:

An act for the relief of Mary Jane Jones and Elizabeth Revis:

An act for the relief of Mildred Hogue:

An act explanatory of certain joint resolutions therein named:

An act to compensate Daniel M. Forney:

An act authorizing proceedings at the instance of the State of Alabama against the owners of turnpike roads in certain cases:

An act to change the time of holding the county court of Bibb county:

An act for the relief of Walter Chiles:

An act to authorize Charles McLemore and his associates to build a bridge across the Tallapoosa river.

The Senate then proceeded to the consideration of the orders of the day:

The amendments of the House to the bill to reduce the fees of the clerks of the several counties in this State, sheriffs and other officers, being under consideration—The Senate refused to concur in the amendments of the House:

YEAS—messrs. Brindley, Buford, Creagh, McAllister, McConnell, McVay, and Wilson of J.

NAYS—messrs. President, Fleming, Foster, Hudson, Hunter, King, McClanahan, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walker, Watkins, and Watrous.

Bills of the following titles were then severally read the third time and passed—

An act for the relief of a certain individual therein named:

For its passage—messrs. Brindley, Creagh, Fleming, Foster, Hunter, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Rodgers, Ross, Thornton, Toulmin, Walker, Watkins, Watrous and Wilson of J.

NAYS—messrs. President, Buford, Hudson and Phillips.

An act for the relief of the administrators of the estate of William A. Belts:

An act for the relief of Julia S. Sample, of Autauga county:

For its passage—messrs. Brindley, Buford, Fleming, Foster, Hunter, King, McAllister, McConnell, McVay, Moores, Oliver, Ross, Toulmin, Walker and Watrous.

NAYS—messrs. President, Creagh, Hudson and Rodgers.

An act to divorce Benjamin Gleadall from his wife Ellen Gleadall:

An act for the relief of certain persons therein named:

An act to amend the laws now in force in relation to insolvent estates:

For its passage—messrs. Buford, Creagh, Foster, Hunter, King, McAllister, Moores, Oliver, Phillips, Ross, Thornton, Walker and Watkins.

NAYS—messrs. President, Brindley, Fleming, Hudson, McClanahan, McConnell, McVay, Rodgers, Toulmin and Wilson of J.

An act to regulate the practice in Chancery courts in this State in certain cases:

For its passage—messrs. Buford, Creagh, Hunter, King, McAllister, McConnell, Moores, Oliver, Phillips, Thornton, Toulmin, Walker and Watkins.

NAYS—messrs. President, Brindley, Fleming, Hudson, McClanahan, McVay, Rodgers, Ross and Wilson of J.

Ordered, that the titles remain unchanged.

An act to amend an act entitled an act to prevent surprise and injury to defendants in execution, approved January twenty-fourth, one thousand eight hundred and thirty-nine, was read the second time and referred to the judiciary committee.

This completed the orders of the day.

A message, by Mr. Clitherall:

Mr. President—The House of Representatives has passed the following bills from the Senate:

A bill for the relief of B. M. Bradford and Jack Shackleford, and amended the same as therein shown—and have also amended the caption:

A bill to alter the mode of electing the Directors of the Bank of the State of Alabama and the several Branches thereof, and amended the same as therein shown—and also amended the caption:

A bill authorizing the judge of the county court of the county of Lowndes to sell certain lands, the property of Robert D. and Matilda F. Beattie, and have amended the same as therein shown—and also the caption:

A bill authorizing the building of a jail in the city of Huntsville, in the county of Madison, and for other purposes, and have amended the caption:

A bill to regulate the compensation of jurors and witnesses in Talladega county, and for other purposes:

A bill to repeal in part a certain act therein named:

And a bill to amend the laws in regard to the limitation of actions.

The House has passed bills of the following titles:

A bill to regulate the Bank of the State of Alabama and for other purposes:

A bill regulating the appointment of a brigade drill officer in each brigade:

A bill to reduce the number of company musters required by law to be holden, and prescribe the manner of company courts martial:

A bill to authorize the commissioners court of Greene county to erect a jail at Greensborough, for the safe keeping of slaves levied on under execution:

Also, a bill to raise a revenue for the support of the State Government: In which the concurrence of the Senate is asked.

A bill to authorize the commissioners' court of Greene county, to erect a jail at Greensboro,' was read the first time in the Senate. On motion, the constitutional rule was suspended, and forthwith read the second time.

On motion of Mr. Hunter, it was laid on the table.

A bill to regulate the Bank of the State of Alabama, and for other purposes, was read the first time in the Senate, and ordered to a second reading on to morrow.

The Senate concurred in the amendments of the House, to a bill authorizing the building of a jail in the town of Huntsville, in the county of Madison, and for other purposes.

The Senate concurred in the amendments made by the House, to a bill authorizing the judge of the county court, of the county of Lowndes, to sell certain lands, the property of Robert C. and Matilda F. Beattie, and for other purposes.

The Senate concurred in the amendments made by the House, to a bill to alter the mode of electing the Directors of the Bank of the State of Alabama, and the several Branches thereof.

Mr. Hudson moved to disagree to the amendments made by the House to the bill for the relief of B. M. Bradford and Jack Shackelford; which motion was carried.

So the Senate refused to agree to the amendments of the House.

Mr. Fleming offered the following resolution:

Resolved by the Senate, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Tuesday next, seventh instant, at three o'clock, P. M., for the purpose of electing a President and three Directors for the Branch of the Bank of the State of Alabama, at Huntsville; and also, a President and Directors, for the Branch Bank at Montgomery.

Which was adopted.

A bill to be entitled, an act for the retrenchment of judicial proceedings, was, on motion of Mr. Ross, postponed until to-morrow.

The resolution of Mr. Dent, offered on the nineteenth January, that with the concurrence of the House, the two Houses of the General Assembly will adjourn *sine die*, on Wednesday, the first day of February next, being under consideration.

Mr. Phillips moved to amend by striking out "first February," and inserting "fifteenth February."

On motion, the resolution was postponed until Friday next.

A bill to be entitled, an act regulating the appointment of a brigade drill officer in each brigade, was read the first time in the Senate, and on motion, the constitutional rule was suspended, the bill read the second time, and referred to the military committee.

A bill to reduce the number of company musters, required by law to be holden, and prescribing the manner of holding company courts martial, was read the first time, and on motion, the constitutional rule was

suspended, the bill read the second time, and referred to the military committee.

A bill to be entitled, an act to raise a revenue for the support of the State Government, was read the first and second times, and referred, on motion, to a select committee, with instructions to report on Wednesday morning next—committee composed of messrs. Hunter, Hudson, Fleming, Walker, Thornton, Ross and Buford.

Mr. Buford, from the special committee to which was referred a bill to attach the ten acres of land on which Benjamin F. Barron resides, lying in Russell county, to the county of Macon, reported the same back to the Senate with the following amendment, and thus amended recommended its passage:

Strike out the letters, words and figures, "Number twenty-six and range number fifteen," in the fifth line, and insert in lieu thereof, the words "fifteen and range twenty-six."

The amendment was concurred in by the Senate, and the bill read the third time and passed.

Ordered, that the title remain unchanged.

Mr. Buford introduced a bill to be entitled, an act to sustain the currency, prevent emigration, and preserve the public morals; which was read the first time, and ordered to a second reading.

A message by Mr. Harrison:

Mr. President—His Excellency, the Governor, has approved bills of the following titles, to wit:

An act to repeal an act, entitled an act to incorporate the town of Talladega:

An act to regulate the mode of taking bonds by the judges of the county courts, in certain counties:

An act to establish a certain road in Shelby county:

An act to extend an act, entitled an act granting certain privileges to Alexander Findley, of De Kalb county, approved, December thirty-first, eighteen hundred and forty-one:

An act more fully to carry into effect joint resolutions passed at the present session of the Legislature, upon the subject of the alteration of the Constitution of the State of Alabama:

An act providing for the payment of interest on the purchase money of section sixteen, township nineteen, range five, east, in Talladega county:

An act to regulate, in part, the duties of the Treasurer of Montgomery county:

An act to authorize the judge of the county court, and commissioners of roads and revenue, of Dallas county, to execute titles to certain real estate:

Which bills originated in the Senate.

Mr. Ross, from the committee on enrolled bills, reported that they have examined, and find correctly enrolled, bills of the following titles to wit:

An act for the relief of J. Henri Hottinguer:

An act to change the time of holding the Chancery courts for the first district of the Southern Chancery division:

Also, memorial and joint resolutions of the State of Alabama to the Congress of the United States.

Mr. Toulmin, from the select committee, to which was referred a bill to be entitled an act to enable the corporate authorities of the city of Mobile to provide for the security and payment of the debts of said city, and for other purposes—reported the same back to the Senate, with the following amendments and thus amended recommend its passage—to come in at the end of the seventh section.

Provided, further, That this section shall not apply to any mechanic carrying on his trade or doing journeywork.

Which amendment was concurred in.

The bill was then read the third time and passed.

On motion, the Senate then adjourned until to-morrow morning at ten o'clock.

TUESDAY, February 7, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. McVay, from the committee on propositions and grievances, to which was referred a bill for the protection of females, reported the same back to the Senate, and asked to be discharged from its further consideration; whereupon the committee was discharged.

Mr. McVay, from the select committee, to which was referred engrossed joint resolutions proposing amendments to the constitution, reported the same back to the Senate with the following amendments, and thus amended recommend its passage:

Strike out of the resolutions in the third section, the words "seventy-five," and insert the words "sixty-six;" and add at the end of the third section of the resolutions this additional amendment to the constitution, "and strike out one third," in the seventh line of article three and section ten, and insert in lieu thereof "one half"—in the tenth section, sixth line strike "seventy-five and twenty-five," and insert in lieu thereof "sixty-six and thirty three;" which amendments were concurred in.

Mr. King moved to suspend the constitutional rule.

Mr. Buford moved to amend with the following: "Endorse on their votes the word "biennial," or the words "no biennial," according as the vote is in favor of, or against, the proposed amendment.

On motion, the joint resolutions and amendments were recommitted to the same committee.

Mr. Moores offered the following protest; which was ordered to be spread upon the Journal:

PROTEST:

Section eighteen, Article third, of the constitution of the State of Alabama, provides, that any member of either House, shall have liberty to dissent from, or protest against, any act or resolution which he may think injurious to the public or an individual, and have the reasons of his dissent entered on the Journals. Availing myself of the privilege thus secured, I do most solemnly protest against a resolution adopted this day by the Senate, which resolution is in the following words:

“Resolved, That the committee appointed to draft and report a bill dividing the State into Congressional districts, be instructed to form said districts as nearly equal as may be, having regard to the white population alone.”

We protest against the adoption of this resolution: First—Because, in our opinion, it violates both the spirit and letter of the Federal constitution.

Second—Because it is unjust and injurious, both to the public and to individuals.

Third—Because of its impolicy; and of these reasons in their order.

To those who are the least familiar with the organization of the government of these United States, it is needless to say, that in the formation of our Federal Union, the States parted with certain privileges and powers, which they enjoyed as separate and independent sovereignties. Indeed, it is not to be controverted, that all the power possessed by the General Government, is delegated power; nor shall we here inquire, whether it was the people or the States that delegated this power, nor whether the one or the other acted wisely in parting with a portion of their sovereignty. It is sufficient for our purpose that such is the case. Under a provision of the constitution of the United States, Article first, Section four, it is provided, “That the times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time by law, make or alter such regulations, except as to the places of choosing Senators.” Under the authority here specifically, and in so many words granted, Congress did, by an act approved June twenty-fifth, eighteen hundred and forty-two, enact “That in every case, when a State is entitled to more than one representative, the number to which each State shall be entitled under this apportionment, shall be elected by districts, composed of contiguous territory, equal in number to the number of Representatives, to which said State may be entitled, no one district electing more than one Representative.” By and in obedience then to this law, emanating from the paramount law making power in our Government, we must divide our State into seven districts, from each of which one Representative, and no more, is to be chosen. The question here immediately arises, what population is entitled to this one Representative? A reference to the earlier history of our government may enable us to come to a more correct conclusion on the subject.

The second paragraph of the fifth article of the Articles of Confederation, provides that no State shall be represented in Congress by less than two, nor more than seven members; and by another provision, those members were to be chosen as the Legislature might direct. By the provision of the Federal constitution, above cited, the unconditional power of the State Legislatures was transferred in some degree to Congress; and under a law of Congress, we are now about to act, by dividing our State into seven districts. And why into seven districts? This question can only be answered, by referring to the same act of Congress, which provides that the House of Representatives shall be composed of members elected agreeably to a ratio of one representative

for every seventy thousand six hundred and eighty persons. Here a second inquiry arises; what persons are we to consider in making up the ratio of seventy thousand six hundred and eighty? Not the male white persons who are voters; for by such an enumeration, we would be entitled to but a single member:—not by the free white persons, including men, women and children; for if we estimate all them, we would not then be entitled to more than five members. To obtain, therefore, our seven members, we are compelled to enumerate those as persons which are designated by the Federal constitution.

The second section of the first article of the constitution of the United States says, that “representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.” Thus, it is by means of our negro population, three-fifths of which is to be estimated, that Alabama, as a State, is entitled to seven Representatives. If, then, under the provisions of the Federal constitution, Congress directs us to divide our State into seven districts; and if, in making up our quota of representation, by the provisions of the same constitution, three-fifths of our slave population is estimated, we most emphatically ask, if in districting our State, we are not compelled to have regard to the same federal population, and if we are not violating the provisions of that instrument, when we adopt a different mode? Again: direct taxes and representatives are to be apportioned among the several States according to their respective numbers. If, then, we are to be taxed, not according to our white population, but according to our respective numbers, counting three-fifths of our black population; and that taxation is levied under the provisions, and in virtue of a power granted in the Federal constitution, it seems to us that representation must and ought to be regulated by the same instrument, when its phraseology is so plain and explicit. There is also a peculiar and sensible reason for that provision of the constitution of the United States, which provides that three-fifths of our negro population should be considered in making up the number of our Representatives, and the same reasons apply and urge themselves upon our consideration for selecting the federal population as the basis in making our Congressional districts.

As the southern and slaveholding States were to have their slaves taxed, being for that purpose, and in that view considered as property, it is evident, that to give them that political influence, to which, as tax payers, they were entitled, their representation should be in the same ratio. The condition of the slaveholder is peculiar—his slaves, for purposes of raising revenue, being considered as property; and being amenable to the criminal laws, are considered as persons. Who, then, we would ask, so likely to preserve, guard, protect and properly represent this peculiar species of property, as the immediate and direct representative of the slave owners. We might here properly refer to the previous action of Alabama, and to the uniform and unembarrassed

action and legislation of any slave State in the Union, for the exposition and proper interpretation of the portion of the Federal constitution, which we are here considering. It will, however, be sufficient for us here to observe that, if we examine the history of our sister States upon this subject, we shall find, as we think, without a single or solitary exception, that regard has been invariably had, in dividing these States into districts to the federal, and not to the white population. It is a matter of historical record, that Henry I, of England, A. D. one thousand one hundred, granted and extended some additional privileges and liberties to the English nation; and though he took great pains to lodge a copy of the grant in every county church, yet it was so much disregarded and disused, that in the next century, the Barons, who exacted the Magna Charta from King John, could scarcely find a copy it.

Such, we fear, may be the fate of our inestimable constitution—and though copies of it may be found, yet its provisions so perverted, and its form so mutilated, that were one of the fathers of the revolution to rise from the tomb, he would scarcely recognise that instrument, which he had fondly hoped would be dearly cherished by his posterity. *Vestros et postereros cogitate.* A second reason, which we would urge against the adoption of the above resolution, is its injustice, and particularly its injustice to South Alabama. If it should become necessary, in the coming history of our country, as it has been necessary in its past transactions, to levy a direct tax—where, we ask, would the heaviest burden lie? where would the tax gatherer fill his coffers soonest? where would his talons be buried deepest, and his clutches adhere longest and fastest? We answer, most emphatically—It would be among, and upon those who own most of the three-fifth population. As regards more particularly our domestic affairs, we ask, who now is compelled and must pay the greatest portion of the State taxes which are about being levied? who is to support our State institutions? who is to pay the expenses of your civil list? who is to aid most in support of your common schools? who is to bear the burdens which must necessarily be imposed to pay the immense and oppressive debt which is now pressing into dust the citizens of our State? who is to preserve, pure and unsullied, the plighted faith of Alabama? who is to prevent us from the degradation of repudiation? But one answer can be given to these interrogatories—It is that portion of the State, whose federal population is greatest—it is that portion of our State which, by the adoption of this resolution, will be deprived of its just and proper proportion of representation—it is South Alabama, where the heaviest of the taxes will be levied and collected—it is among, and from the slave owners of the southern portion of our State, that you must chiefly draw the revenue that is to replenish your exhausted coffers; and by the adoption of this resolution, it is by North Alabama that we are to be represented—it is into the hands of the teeming white population of the northern counties, and into the hands of the representatives of this same population, that we are to transfuse an undue portion of that political power, which is alone conferred by the tax paying southern counties.

One of the strongest and most potent engines of oppression of which

the colonies complained in their struggle for liberty, was that taxes were imposed upon them by the mother country, without their consent. South Alabama may with propriety make the same complaint. For by the adoption of this resolution, you will tax the south without their consent, having by the resolution, deprived them of that political influence, and that quantum of representation which belongs to her property. The first of November, seventeen hundred and sixty-five arrived: the Stamp Act was in force. The shops and stores in the city of Boston were closed—a funeral knell was sounded throughout the city. To South Alabama, a funeral knell has gone forth from these halls. It behoves the planter, and indeed every citizen of the sunny south to close his doors. His rights are infringed. The interest and security of his property is about being placed in the hands of those who have little community of feeling, and less community of interest with him. His right of equal and constitutional representation is about to be unjustly and oppressively torn from him by the ruthless hand of power; by a power which, though not exercised by a single despot, is yet nevertheless tyranny, though exercised by the *many*.

We further protest against the passage of the resolution, not only because of its unconstitutionality and injustice, but because of its impolicy. We see, and have seen, for years past, the bitter and hostile feelings which exist between the Northern and Southern States of our Union, upon the question of slavery.

The adoption of this resolution will engender the same feelings and jealousies among the citizens of our own State.

The individual who invests his capital in negro property, does so because he feels secure from interruption and estimates his political power, not from aristocratical feelings, or from the love of power, itself, but from the constitutional guarantees which belong to him. When, therefore, you trample upon his rights, you irritate and arouse the turbulent feelings of his nature, and render him a discontented and a less valuable citizen.

The adoption of the resolution will inevitably cause sectional difficulties, local and sectional jealousies, strifes and contentions. It will array North Alabama against South Alabama. It will pit the stockholder against the slave-holder. It will give rise to all those animosities which render unhappy and discontented a people, whose every interest should be united. These sectional feelings will enter into the Halls of legislation. The demagogue, who desires the suffrages of the people in those counties where there is a small negro population, will feelingly pourtray the poor man's rights and claims, as opposed to the wealthy slave owner. The representative of the larger slave holding counties will retort, by charging an improper and unwarrantable interference with the rights of his constituents' property. The representatives from those counties in which there is a sparse negro population, will be for levying a heavy tax upon the negroes of the Southern planter. The representatives of the more immediate slave interest will urge the propriety of a heavy poll tax, because the white population has an increased and superior political influence, arising from the increased representative power, derived from adopting the white population alone, as the basis of representation. Thus and

often, oppressive legislation will arise. Laws will be enacted, which oppress one portion of the community, and benefit another; laws, which instead of operating equally and beneficially upon, and thereby rendering all more happy, contented and prosperous, will be considered tyrannical and injurious, thereby working a disregard, contempt and violation of all law. The evil effect of this resolution will not be felt directly in our own State, but its malign influence will affect the whole south.

The abolitionists and fanatics of the Northern States will hail it as an auxiliary weapon to be used in their assaults upon our Southern institutions. The abolition newspapers will urge it as a strong and irrefragable proof of the extension of their destructive and ruinous doctrines. The abolition members of Congress will hurl in the teeth of our Southern representatives, whenever they attempt to stay and turn aside the urgent and repeated attacks upon Southern feelings, Southern rights and Southern property.

The adoption of this resolution lessens our political influence, by producing divisions among ourselves. Divide it *impera* is an adage as applicable to political, as to military warfare. It is only by presenting an undivided front, of the whole South, upon this question, that will prevent an infringement of our privileges. Break up the unanimity that prevails among us, and you do more for the cause of abolitionism than years of fanatical declamation, either from the pulpit, on the hustings, or in the halls of Congress, could have effected.

We abstain from the consideration and discussion of the right of suffrage, in this protest, for the reason that it is not, in the remotest degree, involved in the question—and would merely observe that the right of suffrage should, in our opinion, in all cases, and under all circumstances, be and remain as provided for in the constitution of the State of Alabama, and belong and appertain to every white man of the age of twenty-one years. The questions of representation and suffrage, are two distinct and separate propositions, and are so considered in the constitution; and it is because the resolution violates the principle of representation that we thus enter our protest. So jealous were our English ancestors of those rights guaranteed to them by their *great* charter, that King Edward, the third, was forced, in a public manner, to grant twenty confirmations of Magna Charta. By the adoption of this resolution, our great charter, the Constitution of the United States, needs protection.

In our humble opinion it would be wise for the people of Alabama, and especially for the inhabitants of South Alabama, to require of the powers that be, a solemn confirmation of the great charter of American Liberty.

WILLIAM B. MOORES.

Mr. Fleming, from the committee on county boundaries, to which was referred a bill to be entitled an act to add a portion of Wilcox county to the county of Marengo, reported the bill back to the Senate, and ask leave to be discharged from the further consideration of the subject.

Whereupon the committee were discharged, and the bill placed among the orders of the day.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act to regulate the Bank of the State of Alabama, and for other purposes, was read the second time and referred to the committee on the State Bank.

A bill to be entitled an act to sustain the currency, was read the second time and referred to the judiciary committee.

A bill to be entitled an act for the retrenchment of expenses in judicial proceedings, was read the third time.

Mr. McConnell offered the following amendment as engrossed rider:

“Section 18. *And be it further enacted*, That all laws authorizing the levying and collecting of tax fees for successful counsel in any court of law or equity, in this State, be and the same are hereby repealed.”

For the adoption of the amendment—messrs. President, Brindley, Creagh, Hudson, Hunter, McAllister, McClanahan, McConnell, Moores, Rodgers, Ross and Wilson of J.

NAYS—messrs. Buford, Jones, McVay, Oliver, Phillips, Toulmin, Walker, Watkins and Watrous.

So the amendment was adopted, after being read three times.

For the passage of the bill—messrs. Buford, Creagh, Hunter, McAllister, McConnell, McVay, Reese, Rodgers, Toulmin, Watkins and Wilson of J—11.

NAYS—messrs. Brindley, Hudson, Jones, King, McClanahan, Moores, Oliver, Phillips, Ross, Walker and Watrous—12.

So the bill was lost.

A bill to add a portion of Wilcox county to Marengo county, being on its third reading, was, on motion, laid on the table.

This completed the orders of the day.

Mr. Ross reported that the committee on enrolled bills, have examined and find correctly enrolled, bills of the following titles:

An act to repeal in part a certain act therein named:

An act to amend the laws in regard to limitations of actions:

An act authorizing the building of a jail in the town of Huntsville, in the county of Madison:

An act authorizing the Judge of the county court of the county of Lowndes to sell certain lands the property of Robert C. and Matilda F. Beattie, and for other purposes:

An act to amend an act entitled an act to incorporate the town of Warrenton, in the county of Marshall:

An act to compensate the Judge of the county court of Pickens county, and for other purposes:

An act to legalize the acts of Thomas M. King, Noel B. Warren and James P. Poston, commissioners of the sixteenth section, of township four, and range five, in the county of Jackson:

An act to extend the limitations of prosecutions in the county of Montgomery:

An act to define and establish the line between the counties of De Kalb, Marshall and Jackson:

An act to amend an act entitled an act to restrain excessive taxation for county purposes, in the county of Tallapoosa, approved December twenty-ninth, one thousand eight hundred and forty-one:

An act to divorce Margaret S. Oliver, from her husband Creed T. Oliver:

An act regulating the proof to sustain an action at law in certain cases:

An act regulating the issuing of patents for sixteenth section lands:

And, an act for the relief John M. Yancy.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill for the relief of John M. Yancy, which originated in the Senate.

The House concurs in the amendments made by the Senate to the bill to divide the State of Alabama into nine judicial circuits, and to fix the time of holding the terms of the several circuit courts in this State, and has amended the same as therein shown.

The House has rejected bills of the following titles, which originated in the Senate:

A bill to add a certain township therein named to the county of Perry:

A bill to reduce the salaries of certain officers therein named:

A bill for the relief of the heirs of John Pershouse:

A bill to change the mode of paying jailers for the support of insolvent prisoners in the several counties in this State, and for other purposes.

The House has passed a bill to amend the charters of the several incorporated cities and towns of this State, in which the concurrence of the Senate is requested.

A bill of the following title was then read the first time and ordered to a second reading.

An act to amend to charters of the several incorporated cities and towns of this State.

An act to divide the State of Alabama into nine judicial circuits, and to fix the times of holding the terms of the several circuit courts in this State.

The amendments of the House to the amendments of the Senate, were concurred in, except so much of the amendment of the House, as relates to the sixth judicial circuit.

A message by Mr. Harrison:

EXECUTIVE DEPARTMENT,
TUSCALOOSA, February 7th, 1843. }

Gentlemen of the Senate and House of Representatives:

In pursuance of an act to regulate the Branch of the Bank of the State of Alabama at Montgomery, approved January twenty-fifth, one thousand eight hundred and forty-three, I have the honor to nominate to the General Assembly, the following named gentlemen: Nimrod E. Benson, William O. Baldwin, A. A. McWhorter, Josiah Harper, Fran-

ces, Bugbee, William Chisolm, and Leander Bryan, as fit persons for Directors of the Branch Bank at Montgomery, for the year one thousand eight hundred and forty-three.

(Signed,)

BEN. FITZPATRICK.

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, February 7th, 1843. }

Gentlemen of the Senate and House of Representatives:

In pursuance of an act to regulate the Branch of the Bank of the State of Alabama, at Decatur, approved twenty-first of January, eighteen hundred and forty-three,—I have the honor to nominate to the General Assembly, the following named gentlemen, to wit: *James C. Malone, John Glass, Clarke Barton, Jonathan Burleson, Thomas Simpson, William A. Sykes, and John M. Swoop*, as fit persons for Directors of the Branch of the Bank of the State of Alabama, at Decatur, for the year eighteen hundred and forty-three.

(Signed,)

BEN. FITZPATRICK.

A message, by Mr. Garrett:

Mr. President—His Excellency the Governor has approved bills of the following titles—

An act for the relief of Mary Jane Jones and Elizabeth Revis:

An act explanatory of certain joint resolutions therein named:

An act to incorporate the Male and Female Academy at the village of Turnbull, in the county of Monroe:

An act relating to commissioners' courts of roads and revenue, for the counties of Montgomery and Lowndes:

An act to change the time of holding the county court of Bibb county:

An act to repeal in part and amend an act to provide for the sale of lands and slaves in the town of Decatur, in certain cases, approved January second, eighteen hundred and forty:

An act authorizing proceedings at the instance of the State of Alabama, against the owners of Turnpike roads, in certain cases:

An act for the relief of Walter Chiles:

An act to revive and continue the President and Trustees of the Pine-land Academy, in Mobile county, as a body corporate:

An act authorizing the levy of a special tax in Talladega county:

An act authorizing James J. McQueen to erect a toll bridge across the Pentlala creek:

An act to compensate Daniel M. Forney:

An act for the relief of Mildred Houge:

An act to authorize Charles McLeMore and associates, to build a bridge across the Tallapoosa river:

All which originated in the Senate.

Mr. Brindley introduced a bill to require the county officers of Marshall county to receive certain claims therein named; which was read the first time.

On motion, the constitutional rule was suspended, and the bill read the second and third times forthwith, and passed.

On motion, the Senate adjourned until ten o'clock, to-morrow morning.

WEDNESDAY, February 8th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson presented the account of William Jennings; which was referred to the committee on accounts and claims.

Mr. Hudson, from the committee on accounts and claims, to which was referred an engrossed bill from the House of Representatives, making appropriations for the payment of certain claims against the State,—reported the same back to the Senate amended as therein shewn, and thus amended, recommended its passage.

The amendment was concurred in.

On motion of Mr. Hudson, the bill was read the third time, and passed. Ordered, that the title remain unchanged.

Mr. Hudson, from the committee on accounts and claims, to which was referred an engrossed bill from the House of Representatives, to compensate Robert Fenner and others, for services therein specified,—reported the same back to the Senate, with the following amendments, to wit:

After “land office,” in the eighth line from the top, add, “to be paid out of the Tennessee canal funds:” and strike out all of the bill after the words “land office,” in the eighth line. And thus amended, recommended its passage.

On a motion to disagree to the first amendment, the yeas and nays were desired:

YEAS—messrs Fleming, Hudson, Jones, McAllister, McClanahan, Moores, Rodgers, Toulmin and Wilson of J.

NAYS—messrs. Brindley, Buford, Creagh, Hunter, King, McConnell, McVay, Oliver, Phillips, Reese, Ross, Walker, Watkins and Watrous. So the motion to disagree was lost.

The Senate concurring in the first amendment, as also the other amendments contained in the report of the committee.

On motion, the bill was then read the third time and passed:

YEAS—messrs. President, Baylor, Brindley, Buford, Creagh, Fleming, Foster, Hudson, Jones, McClanahan, McVay, Oliver, Ross, Rodgers, Thornton, Toulmin and Wilson of J.

NAYS—messrs. Dailey, Dent, King, McConnell, Moores, Phillips, Reese, Walthall and Wilson of F.

Ordered, that the title remain unchanged.

Mr. Ross reported, that the committee on enrolled bills have examined, and found correctly enrolled, bills of the following titles:

An act to regulate the compensation of witnesses and jurors in Talladega county, and for other purposes:

An act to alter the mode of electing the Directors of the Branch of the Bank of the State of Alabama at Huntsville:

An act to amend the charter of the city of Tuscaloosa:

An act for the relief of certain persons therein named:

An act for the relief of the administrators of the estate of William H. Betts:

An act to divorce Benjamin Gleadall, from his wife, Ellen Gleadall:

An act for the relief of Julia S. Sample, of Autauga county:

An act for the relief of Hiram A. Defrease, of the county of Talladega.

Mr. Hudson, from the committee on accounts and claims, to which was referred, by way of resolution, so much of the Governor's message as relates to the claim of Robert Fenner and R. B. Jones, commissioners appointed to wind up the Courtland land office, and settle the affairs of the same, reported the same back to the Senate, and stated that the subject matter contained in said resolution, is contained in a bill now before the Senate, and ask to be discharged from the further consideration of the subject. Committee discharged.

Mr. Hudson, from the committee on accounts and claims, to which was referred the claim of John W. Jennings, Isaac Martin and Joseph McCarty, on the subject of the school fund, reported the same back to the Senate, as being improperly referred to this committee, and ask to be discharged from its further consideration, and that it may be referred to the committee on education. Committee discharged.

Mr. Walker, from the committee on federal relations, to which was referred joint resolutions from the House of Representatives, in relation to vesting the two per cent. fund now on hand in Treasury notes, drawing six per cent. interest, reported the same back to the Senate, and recommended their passage; which report was concurred in.

On motion, the joint resolutions were read the third time and passed. Ordered, that the title remain unchanged.

Mr. Watkins, from the committee on federal relations, to which was referred joint resolutions, authorizing the Governor to appoint a suitable person to substantiate the claims of Alabama against the General Government, reported the same back to the Senate, with the following amendment, and thus amended, recommended its passage: "*Provided*, no allowance shall be made for said purpose, out of the public Treasury;" which amendment was concurred in.

On motion, the joint resolutions were referred to a select committee, composed of messrs. Watrous, Phillips and Buford.

Mr. Ross reported that the committee on enrolled bills have examined, and find correctly enrolled, bills of the following titles, to wit:

An act for the relief of Jane Doss:

An act to amend an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, approved December twenty-first, eighteen hundred and forty-one:

An act to authorize John Haughton to erect a mill on the west bank of the Coosa river:

An act for the relief of John A. Hurst and Jordan Thornton:

An act more effectually to secure costs to constables in the county of Marion:

An act extending to the county of Jackson the provisions of certain acts therein named:

An act to authorize Henry Potter to erect a gate on his land, over which runs the Saunders' ferry road:

An act to change the name of a certain person therein named, and for other purposes :

Also, joint resolutions for the relief of Isaac Swan, tax collector of Sumter county, and for other purposes.

Mr. Toulmin, from the committee on the State Bank, to which was referred joint resolutions from the House, in regard to the expense account of the Bank of the State of Alabama and its Branches, reported the same back to the Senate, and recommended its passage. Placed among the orders of the day.

Mr. Phillips, from the judiciary committee, to which was referred a bill to extend the jurisdiction of the county courts in certain cases, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Phillips, from the same committee, to which was referred a bill to extend the right of appeal, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Phillips, from the same committee, to which was referred a bill to be entitled an act to amend an act entitled an act to prevent surprise and injury to defendants in execution, approved January twenty-fourth, eighteen hundred and thirty-nine, reported that it is inexpedient to legislate upon the subject.

Which report was concurred in.

Mr. Toulmin, from the committee on the State Bank, to which was referred an engrossed bill from the House of Representatives, to regulate the management and expenses of the Bank of the State of Alabama and its several Branches, reported the same back to the Senate, with the following amendments, and thus amended, recommended its passage : strike out the word "fifty," in the seventh line of the fourth section, and insert the words "not less than ten;" also, strike out the two last sections.

Which amendment was concurred in.

Mr. Fleming offered the following amendment, by way of engrossed rider :

Provided, that in no case the agent shall receive more than fifteen hundred dollars, in any one year.

Which was lost.

The bill was then read the third time and passed.

Ordered, that the title remain unchanged.

Mr. Toulmin, from the same committee, to which was referred an engrossed bill from the House of Representatives, to regulate the Bank of the State of Alabama, and for other purposes, reported the same back to the Senate, with the following amendment, and thus amended, recommended its passage : strike out all after the eighth section.

On concurring in so much of the amendment as strikes out the ninth section, the yeas and nays were desired :

YEAS—messrs. President, Fleming, Foster, Hudson, McAllister, McClanahan, McVay, Moores, Rodgers, Ross, Toulmin and Walker.

NAYS—messrs. Brindley, Buford, Creagh, Hunter, Jones, King, McConnell, Oliver, Phillips, Reese, Thornton, Watrous and Wilson of J.

So the Senate refused to strike out the ninth section.

On striking out the tenth section, the yeas and nays stood thus :

YEAS—messrs. President, Brindley, Fleming, Foster, Hudson, McAllister, McClanahan, Rodgers, Ross, Toulmin, Walker, Watkins and Wilson of J.

NAYS—messrs. Buford, Creagh, Hunter, Jones, King, McConnell, McVay, Oliver, Phillips, Reese, Thornton and Watrous.

So the tenth section was stricken out.

On striking out the eleventh section, the yeas and nays stood thus :

YEAS—messrs. Hudson, McClanahan, Oliver, Ross, Toulmin, Walker and Watkins.

NAYS—President, messrs. Brindley, Buford, Creagh, Fleming, Foster, Hunter, Jones, King, McAllister, McConnell, McVay, Phillips, Reese, Rodgers, Thornton and Wilson of J.

So the Senate refused to strike out the eleventh section.

On concurring with the report to strike out the twelfth section, the yeas and nays were demanded :

YEAS—messrs. Fleming, Hudson, McClanahan, McVay, Moores, Ross and Watkins.

NAYS—messrs. President, Brindley, Buford, Creagh, Hunter, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Watrous and Wilson of J.

The Senate refused to concur.

So the twelfth section was not stricken out.

On concurring with the report in striking out the thirteenth section, the Senate refused to concur.

So the thirteenth section was not stricken out.

The question then being on ordering the bill to a third reading, on motion of Mr. Thornton, it was referred to a select committee, composed of Messrs. Thornton, Fleming and Hunter.

Mr. Phillips moved to reconsider the vote on disagreeing to so much of the amendment to a bill to be entitled an act to divide the State of Alabama into nine judicial circuits, and to fix the times of holding the terms of the several circuit courts in this State, as relates to the sixth circuit; which was carried.

The question then being on concurring in all the amendments made by the House to the amendments of the Senate—was carried.

The bill was then read the third time and passed.

Ordered, that the title remain unchanged.

A message by Mr. Clitherall :

Mr. President—The House of Representatives concurs in the resolution of the Senate, proposing to go into the election of a President and three Directors, for the Branch of the Bank of the State of Alabama at Huntsville, and a President and three Directors for the Branch Bank at Montgomery, on Tuesday, the seventh instant, at three o'clock, P. M.; and have amended the same, by striking out "Tuesday, the seventh," and inserting "Wednesday, the eighth;" and by adding, "also, a President and three Directors, for the Branch of the Bank of the State of Alabama at Decatur."

In which the concurrence of the Senate is requested—which amendment was concurred in.

Message, by Mr. Garrett:

EXECUTIVE DEPARTMENT,
TUSCALOOSA, February 8, 1843. }

Gentlemen of the Senate and House of Representatives:

In pursuance of an act to put in liquidation the Branch of the Bank of the State of Alabama at Huntsville, approved fourth February, one thousand eight hundred and forty-three, I have the honor to nominate the following named gentlemen, to wit: Joseph Rice, George Steele, John D. King, Joseph C. Bradley, John J. Fackler, William Echols and Francis J. Levert, as fit persons for Directors of the Branch of the Bank of the State of Alabama at Huntsville, for the year one thousand eight hundred and forty-three.

(Signed,)

BEN. FITZPATRICK.

Mr. Hudson, from the select committee, to which was referred a bill to be entitled an act to raise a revenue for the support of government, reported the same back to the Senate with the following amendments, and thus amended recommend its passage:

Section 1. After the enacting clause, strike out the section and insert, "That all lands in this State, subject to taxation, shall be classed as follows, the first quality shall be rated at twelve dollars per acre, the second quality at eight dollars, the third quality of at four dollars and the fourth quality at one dollar and twenty-five cents."

Section 2. Strike out the word "cash," where it occurs in the fifth line, as also the words "as ascertained as aforesaid."

Section 3. After the word "estimated," where it occurs in the third line, strike out the words "as provided for in the first section of this act," and insert the words "by the person giving in the same on oath." In the sixth line strike out the words "tax collector," and insert "assessor."

Section 4. In the sixth line, where it occurs, strike out the word "male."—in the eighth line, where they occur, strike out the words "twenty-five," and insert "fifty,"—in the eleventh line where they occur, strike out the words "ten dollars," and insert the words "twenty cents on every hundred dollars value, to be estimated by the person giving in the same on oath,"—in the nineteenth line, strike out the word "are," where it occurs, and insert "is "

Section 5. In the third line, after "State," insert "or by virtue of any mortgage, with the power of sale, or deed of trust,"—in the fourth line, after the word "interest," insert "to any person in this State or out of it,"—in the twelfth line, after the word "dollars," insert the words "so used,"—and strike out the words immediately after "discount or premium taken by such broker or dealer in any such transaction."

Section 6. In the second line, after the words "sum of," strike out "thirty" and insert "fifty,"—in the fifth line, after the word "play," strike out the word "twenty" and insert "ten."

Section 10. In the third line, after the word "paid," strike out "twenty," and insert "fifty."

Section 15. In the fourth line, after the word "case," insert "except in counties specially authorized by law."

Section 16. Insert at the end thereof, "*Provided*, That this section shall not be so construed as to apply to any citizen of this State, or his agent, selling his slave, or slaves, who does not make a business thereof."

Section 17. At the end of said section insert, "and should said Judge of the county court and commissioners of roads and revenue, on the said first Monday in March next, fail to make said appointments, it shall be the duty of the Judge of the county court, so soon thereafter as practicable to assemble said court, which said court, when assembled, shall make the same."

Section 19. At the end of said section insert "for which said clerk shall receive such compensation as the Judge of the county court and commissioners of roads and revenue in each respective county may allow."

Section 21. After the word "annually," in the second line, insert "by the first Monday in every March."

The first amendment to the first section was under consideration, when,

On motion of Mr. King, the Senate adjourned till three o'clock, this afternoon.

WEDNESDAY AFTERNOON.

The Senate, pursuant to adjournment, met at three o'clock, and resumed the consideration of the subject under discussion, when they adjourned.

Message, by Mr. Clitherall:

Mr. President—I am instructed to invite your Honorable body into the Hall of the House of Representatives, for the purpose of electing a President and three Directors of the Branch Bank at Montgomery; also, a President and three Directors for the Branch Bank at Decatur, and a President and three Directors for the Branch Bank at Huntsville.

Whereupon, the Senate immediately repaired to the Hall of the House of Representatives, and Mr. President announced the object for which they assembled.

The two Houses first proceeded first to the election of the President of the Branch Bank at Montgomery—*John Martin* was put in nomination:

Mr. Oliver submitted the following statement:

Liabilities of John Martin, at Montgomery Branch—As principal, one thousand nine hundred and twenty-four dollars and twenty-one cents; as security, five thousand and seven dollars. Total, six thousand nine hundred and thirty-one dollars and twenty-one cents.

The above is all I find on the books, after examining them twice—there may be other liabilities, but if so, I have been unable to find them. The report of the Cashier of the Bank at Montgomery, not now in my hands, will furnish the true amount.

(Signed,)

WM. HAWN.

We, the undersigned, addressed a note to the Cashier of the Bank of the State of Alabama, and received the above answer. It is doubtless the true amount. We have no hesitancy in saying that we believe John Martin to be capable and faithful.

(Signed,)

JOHN S. HUNTER,
SAMUEL C. OLIVER,
W. R. ROSS,
A. J. McALLISTER.

The following was also submitted:

Concurring entirely with the Governor's opinion of the qualifications of Col. Frances Bugbee to perform the duties of Bank Director, yet as his personal friends, we ask leave to request the members of the two Houses not to vote for him, as it is very probable that he will not serve if elected.

(Signed,)

SAM'L C. OLIVER,
R. J. WARE,
D. E. WATROUS,
WM. B. MOORES,
PEYTON KING,
JOHN W. HENLEY.

I concur in the request, and in the opinion of Col. Bugbee's qualifications.

(Signed,)

J. A. CAMPBELL.

John Martin alone being in nomination, and he having received one hundred and four votes, that being a majority of the whole number of votes given, Mr. Speaker declared him duly elected President of the Branch Bank at Montgomery, for the term prescribed by law.

The two Houses then proceeded to the election of three Directors of the Branch Bank at Montgomery:

Messrs. Nimrod E. Benson, William O. Baldwin, Alvin A. McWhorter, Joseph Harper, Francis Bugbee, William Chisolm and Leander Bryan, having been nominated by the Governor—

Those who voted for *Mr. Baldwin*, are messrs. President, Fleming, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Watkins, and Watrous, of the Senate; and messrs. Speaker, Abernathy, Banks, Barron, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Dear, Douglass, Dubose, Dunklin, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Hendrix, Henley, Hill, Hubbard, Jones of Conecuh, Jones of G. Kendrick, Kennedy of M. Kidd, Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Miree, Moore of M. Morgan of A. Morgan of C. Morrison, Mundy, Norman, Norris, Oliver, Pettit, Pickett, Porter, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Tate, Turner, Valiant, Walker, Watts, Whorton, Williams of J. Williams of P. Winston of S. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Benson*, are messrs. President, Brindley, Creagh, Fleming, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, McVay, Moores, Oliver, Phillips, Ross, Thornton, Toulmin, Walker and Watkins, of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Bothwell, Bridges, Cain, Campbell, Clay, Cochran, Crowder, Dear, Dubose, Dunklin, Dunn, Earle, English, Findley, Fletcher, Fowler, Garland, Gasque, Griffin, Harris, Harrison, Hendrix, Hill, Henley, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McClung, McCoy, McLemore, McMillion, Meriwether, Miree, Mitchell, Moore of M. Morgan of C. Morrison, Mundy, Norman, Norris, Pettit, Porter, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of L. Tate, Turner, Walker, Ware, Whorton, Williams of P. Winston of S. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Bryan*, are messrs. Brindley, Foster, McConnell, Moores, Reese, Rodgers, and Watrous, of the Senate; and messrs. Speaker, Barclay, Barron, Bishop, Bothwell, Bridges, Cain, Clay, Cooper, Crowder, Douglass, Erwin, Findley, Fletcher, Griffin, Hill, Hubbard, Jackson, Jones of Conecuh, Kendrick, Kennedy of L. Kidd, Meriwether, Mitchell, Moore of M. Morgan of A. Norman, Oliver, Pickett, Smith of L. Smith of P. Storrs, Williams of P. and Winston of S. of the House.

Those who voted for *Mr. Harper*, are messrs. McClanahan, of the Senate; and messrs. Abernathy, Bishop, Caffey, Dubose, Harris, Marchbanks, Martin, Scott and Ware, of the House.

Those who voted for *Mr. McWhorter*, are messrs. President, Creagh, Hudson, McConnell and Rodgers, of the Senate; and messrs. Bothwell, Gasque, Harrison, Kendrick, Kennedy of M. Kidd, Lankford, Morgan of A. Rice, Smith of P. Storrs, Valliant, Watts and Williams of J. of the House.

Those who voted for *Mr. Chisolm*, are messrs. Brindley, Creagh, Fleming, Hunter, Jones, King, McAllister, McVay, Moores, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Walker, Watkins, and Watrous, of the Senate; and messrs. Banks, Barclay, Barron, Bridges, Caffey, Campbell, Cochran, Cooper, Crowder, Dear, Douglass, Dunklin, Dunn, Earle, English, Erwin, Fowler, Garland, Harris, Hendrix, Henley, Hubbard, Jackson, Jones of G. Kennedy of L. McClung, McCoy, McLemore, McMillion, Miree, Mitchell, Morgan of C. Morrison, Mundy, Norris, Oliver, Pettit, Pickett, Porter, Richeson, Roby, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Witherspoon and Woodward of the House.

Mr. Skipper voted for *Mr. Bugbee*.

Messrs. Baldwin, Benson and Chisolm, having each received a majority of all the votes given, Mr. Speaker declared them duly and constitutionally elected Directors for the Branch of the Bank of the State of Alabama, at Montgomery, for and during the time prescribed by law.

The two Houses next proceeded to the election of a President for the Branch Bank at Decatur—George W. Carroll and Jesse W. Garth,

were put in nomination, and in accordance with law, the following statements were presented:

The undersigned beg leave to nominate *Jesse W. Garth*, as a suitable person for the Presidency of the Branch Bank at Decatur; that the said *Garth* is not indebted to the Bank of the State of Alabama, or either of its Branches, as they are informed and believe; that the said *Garth* is not under protest; that he is solvent; and that he is competent for the discharge of the duties of President.

(Signed,)

GREEN P. RICE,
MILTON McCLANAHAN.

Mr. Carroll is a planter, owning a large and productive estate. He is a good business man—of fine moral character; and his former close and unremitting attention to his duties as Director of the Decatur Bank, is the best guaranty that he will faithfully discharge the duties of President. He is indebted to the Banks at Huntsville and Decatur, in some amount, but not more than he can readily pay; and a large portion of what he owes, is as endorser, and not as principal. *Mr. Carroll* is not connected with any shaving, or exchange brokerage operations.

(Signed,)

B. W. HUDSON,
FELIX G. NORMAN,
H. M. RODGERS,
T. W. WALKER,
N. TERRY.

Those who voted for *Mr. Garth*, are messrs. Brindley, King, McClanahan. Moores, Oliver, Phillips, Watkins and Watrous of the Senate; and messrs. Barclay, Barron, Bishop, Bothwell, Bridges, Cain, Dunn, Earle, Erwin, Findley, Griffin, Harris, Hendrix, Jackson, Jones of Conecuh, Jones of G. Kidd, McClung, McCoy, Norris, Oliver, Pettit, Pickett, Rice, Roby, Scott, Skipper, Smith of L. Storrs, Ware, Watts, Williams of J. Witherspoon and Woodward.

Those who voted for *Mr. Carroll*, are messrs. President, Buford, Creagh, Fleming, Foster, Hudson, Hunter, Jones, McAllister, McConnell, McVay, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Watkins and Watrous of the Senate; and messrs. Speaker, Abernathy, Banks, Caffey, Campbell, Clay, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunklin, English, Fletcher, Fowler, Garland, Gasque, Harrison, Henlev, Hill, Hubbard, Jones of Cov. Kendrick, Kennedy of L. Kennedy of M. Lankford, Marchbanks, Martin, McLemore, McMillion, Meriwether, Mirec, Mitchell, Moore of M. Morgan of A. Morgan of C. Morrison, Mundy, Norman, Porter, Richeson, Robinson, Smith of P. Tate, Turner, Valliant, Walker, Whorton, Williams of P. Winston of DeK. Winston of S. of the House.

Mr. George. W. Carroll, having received the highest vote, and a majority of all the votes given, was declared by the Mr. Speaker duly and constitutionally elected President of the Branch of the Bank of the State of Alabama, at Decatur, for and during the term prescribed by law.

The two Houses next proceeded to the election of three Directors for the Branch Bank at Decatur—Messrs. *James C. Malone, John Glass, Clarke C. Barton, Jonathan Burleson, Thomas Simpson, William*

A. Sykes, and *John M. Swoop*, having been nominated to the two Houses by the Governor.

Those who voted for *Mr. Barton*, are messrs. President, Brindley, Buford, Creagh, Fleming, Foster, Hudson, Hunter, McAllister, Reese, Rodgers, Ross, Toulmin, Walker, Watkins and Watrous of the Senate; and messrs. Abernathy, Bishop, Bothwell, Bridges, Campbell, Dubose, Findley, Fletcher, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jones of Cov. Kennedy of m. Kidd, Lankford, Marchbanks, Martin, McLemore, Miree, Morgan of A. Morrison, Mundy, Norman, Richeson, Robinson, Winston of DeK. Winston of S. Witherspoon and Woodward of the House.

Those who voted for *Mr. Burleson*, are messrs. Buford, Creagh, King, McClanahan, McConnell, Phillips, Toulmin and Walker of the Senate; and messrs. Bishop, Bridges, Caffey, Cochran, Earle, Gasque, Griffin, Rice, Roby, Skipper, Smith of P. Tate, Watts and Williams of P. of the House.

Those who voted for *Mr. Glass*, are messrs President, Buford, Fleming, Foster, Hudson, Hunter, Jones, King, McClanahan, McConnell, McVay, Moores, Oliver, Reese, Ross, Rodgers, Watkins and Watrous of the Senate; messrs. Banks, Barclay, Barron, Bishop, Bridges, Caffey, Cain, Campbell, Clay, Cochran, Cooper, Crowder, Dear, Douglass, Dunklin, Dunn, English, Erwin, Fowler, Garland, Harrison, Hendrix, Hubbard, Jones of Conecuh, Jones of Cov. Kendrick, Lankford, Martin, McCoy, McLemore, McMillion, Meriwether, Mitchell, Moore of m. Morgan of c. Morrison, Norman, Norris, Oliver, Pettit, Pickett, Porter, Rice, Richeson, Robinson, Roby, Skipper, Smith of Pickens, Storrs, Tate, Valiant, Walker, Ware, Watts, Whorton, Williams of p. Winston of DeK. Winston of S. and Woodward of the House.

Those who voted for *Mr. Malone*, are Messrs. President, Brindley, Fleming, Foster, Hudson, Jones, McAllister, McConnell, McVay, Rodgers, Toulmin and Watkins of the Senate; and messrs. Speaker, Abernathy, Barron, Bothwell, Caffey, Campbell, Clay, Douglass, Dubose, Dunklin, English, Fletcher, Fowler, Garland, Griffin, Harrison, Henley, Hill, Hubbard, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of m. Kidd, Marchbanks, Martin, McClung, McMillion, Meriwether, Miree, Moore of m. Morgan of A. Mundy, Norman, Porter, Richeson, Robinson, Scott, Smith of L. Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Williams of P. Winston of DeK. Winston of S. and Woodward.

Those who voted for *Mr. Simpson*, are Messrs. Creagh, McVay, Moores, Oliver, Thornton and Watrous of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Bothwell, Cain, Clay, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunn, Earle, Erwin, English, Findley, Fletcher, Gasque, Harris, Harrison, Henley, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kennedy of m. Kidd, Lankford, Marchbanks, McClung, McCoy, McMillion, Meriwether, Miree, Mitchell, Morgan of A. Morgan of C. Morrison, Mundy, Oliver, Pettit, Pickett, Porter, Scott, Smith of L. Smith of P. Storrs, Turner, Ware, Whorton and Witherspoon of the House.

Those who voted for *Mr. Swoop*, are messrs. Phillips, Reese, Ross, and Thornton of the Senate; and messrs. Harris, Jackson, Kennedy of L. McLemore, Morgan of C. and Norris, of the House.

Those who voted for *Mr. Sykes*, are Messrs. Brindley, Hunter, Jones, King, McClanahan, Moores, Oliver, Phillips, Thornton and Walker of the Senate; and Messrs. Speaker, Banks, Barclay, Barron, Cain, Cooper, Crowder, Dear, Dunklin, Dunn, Earle, Erwin, Findley, Fowler, Griffin, Harris, Hill, Henley, Jackson, Jones of Conecuh, Jones of G. McClung, McCoy, Mitchell, Moore of M. Norris, Oliver, Pettit, Pickett, Rice, Roby, Scott, Skipper, Smith of L. Storrs, Turner, Valiant, Walker, Williams of J. and Witherspoon of the House.

Messrs. James C. Malone, John Glass and Thomas Simpson, having severally received the highest number of votes, and a majority of all the votes given, were declared by Mr. Speaker, duly and constitutionally elected Directors for the Branch of the Bank of the State of Alabama at Decatur, for and during the term prescribed by law.

The two Houses then proceeded to the election of a President of the Branch Bank at Huntsville.

The following statements were submitted :

In compliance with the statute making it the duty of those putting in nomination the name of any gentleman for President of the Bank of the State of Alabama, or any of its Branches, to state, first, his moral character; secondly, the amount of his indebtedness; thirdly, his business qualifications—We, the undersigned, state that *Mr. Thomas Brandon*, of Huntsville, who has lived there for the last thirty years, has during that whole time, sustained an upright and unimpeachable moral character—is a business man of the first order—having filled the office of clerk of the county court of Madison county, for twelve successive years; the duties of which he discharged faithfully and satisfactorily. He owes no Bank in this State one dollar—is a man of wealth, made by his own industry and economy. We consider him in every way responsible, solvent, and well qualified to discharge the duties of President of the Branch Bank at Huntsville. We further state, that *Mr. Brandon* is, in our opinion, unconnected, in any way, with brokers or shavers—never having, in the whole course of our acquaintance with him, known him to shave paper, in any way whatever—and we have known him for many years. (Signed,)

NATHANIEL TERRY,
JAMES ROBINSON,
H. McVAY,
BEN. HUDSON.
F. G. McCONNELL,
WM. FLEMING.

Most of the statements contained herein, we know to be true. Those from information of others, we fully believe to be true of *Mr. Brandon*. (Signed,)

DAVID HUBBARD,
C. C. CLAY, Jr.
JOHN W. BISHOP.

We, the undersigned, in obedience to the laws of Alabama, requiring that when persons are put in nomination for President of the State

Bank, or any of its Branches, that the member shall state in writing, (which shall be read at the clerk's table,) the indebtedness or liability, of every description, of said candidate, to the State Bank or any of its Branches; and furthermore, whether the same be under protest or not; and whether the said candidate is solvent, and competent for the discharge of the duties of President, and by whom made; which shall be placed upon the journals of both Houses of the General Assembly,—beg leave to state, that *Stephen S. Ewing*, who is a candidate for reelection to the Bank at Huntsville, is not under protest; that he does not owe the State Bank, or any of its Branches, one dollar; that he has discharged his duty as President of the Branch Bank at Huntsville, for the last two years, with fidelity; that we believe him to be an able, competent and faithful officer: and we make this statement, upon our personal knowledge of the man, of several years standing; and can say, that there is not a more solvent or punctual man in the State.

DAVID MOORE,
GREEN P. RICE,
JOHN W. BISHOP,
NATHAN SMITH,
WM. FLEMING,
D. H. VALLIANT,
JAMES ROBINSON,
A. FINDLEY,
R. T. SCOTT,
E. W. WILLIAMS,
WM. M. GRIFFIN,
JAMES FLETCHER,
WM. S. PHILLIPS,
JOHN BARRON,
WADDY TATE.

Messrs. Thomas Brandon and Stephen S. Ewing being in nomination—

Those who voted for *Mr. Ewing*, are messrs. Brindley, Buford, Fleming, King, Oliver, Phillips and Walker, of the Senate; and messrs. Speaker, Banks, Barelay, Barron, Bridges, Cain, Campbell, Crowder, Dunklin, Dunn, Earle, Erwin, Findley, Fletcher, Fowler, Garland, Griffin, Harris, Harrison, Henley, Hill, Jones of Cov. Jones of G. Kennedy of L. Kidd, Marchbanks, McClung, McCoy, McLemore, Miree, Mitchell, Moore of M. Morgan of C. Morrison, Norris, Oliver, Pettit, Porter, Rice, Robinson, Roby, Scott, Skipper, Smith of L. Smith of P. Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Winston of DeK. and Witherspoon, of the House.

Those who voted for *Mr. Brandon*, are messrs. President, Creagh, Foster, Hudson, Hunter, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Reese, Rodgers, Ross, Thornton, Toulmin, Watkins and Watrous, of the Senate; and messrs. Abernathy, Bishop, Bothwell, Caffey, Clay, Cochran, Cooper, Dear, Douglass, Dubose, English, Gasque, Hudson, Hubbard, Jackson, Jones of Conecuh, Kennedy of M. Lankford,

Martin, McMillion, Meriwether, Mundy, Norman, Pickett, Richeson, Turner, Williams of P. Winston of S. and Woodward.

Mr. Ewing having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected President of the Branch of the Bank of the State of Alabama, at Huntsville, for and during the term prescribed by law.

The two Houses then proceeded to the election of three Directors for the Branch of the Bank of the State of Alabama, at Huntsville—*Joseph Rice, George Steele, John D. King, Joseph C. Bradley, John J. Fackler, William Echols* and *Francis J. Levert*—having been nominated by the Governor to the two Houses:

Those who voted for *Mr. Bradley*, are messrs. President, Brindley, Buford, Fleming, Foster, Hudson, Hunter, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Watkins and Watrous, of the Senate; and messrs. Abernathy, Banks, Barclay, Barron, Crowder, Douglass, Dunn, English, Findley, Fowler, Griffin, Harris, Harrison, Hill, Hubbard, Jones of Cov. Lankford, Martin, McClung, McCoy, McLemore, Moore of M. Morgan of C. Morrison, Mundy, Norman, Norris, Oliver, Pickett, Porter, Rice, Richeson, Robinson, Scott, Smith of T. Storrs, Tate, Valliant, Walker, Ware, Whorton, Winston of DeK. Winston of S. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Echols*, are messrs. Creagh, Fleming, Foster, Hudson, Hunter, Jones, McAllister, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Toulmin, Watkins and Watrous, of the Senate; and messrs. Bothwell, Dubose, English, Harris, Jones of Conecuh, Jones of G. Pickett, Scott, Storrs and Tate, of the House.

Those who voted for *Mr. Fackler*, are messrs. Moores, Thornton, Walker and Watrous, of the Senate; and messrs. Banks, Bishop, Cain, Campbell, Cooper, Dear, Erwin, Findley, Garland, Henley, Jackson, Kennedy of L. Kidd, McClung, McCoy, McLemore, Moore of M. Morgan of C. Porter, Roby, Smith of L. Ware and Witherspoon, of the House.

Those who voted for *Mr. King*, are Mr. McClanahan, of the Senate; and messrs. Bishop, Bothwell, Bridges, Caffey, Clay, Cochran, Douglass, Dubose, Dunklin, Gasque, Hendrix, Kennedy, Kidd, Marchbanks, Miree, Meriwether, Mitchell, Mundy, Pettit, Richeson, Skipper, Smith of L. Smith of P. Turner, Watts and Williams of P. of the House.

Those who voted for *Mr. Levert*, are messrs. President and Thornton, of the Senate; and messrs. Speaker, Barclay, Barron, Bridges, Campbell, Clay, Cochran, Cooper, Crowder, Dear, Douglass, Dunklin, Dunn, Earle, Erwin, Fletcher, Fowler, Garland, Henley, Hill, Jackson, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Kidd, Marchbanks, McCoy, McLemore, McMillion, Miree, Mitchell, Morgan of C. Morrison, Norris, Oliver, Pickett, Roby, Skipper, Smith of P. Turner, Watts and Williams of J. of the House.

Those who voted for *Mr. Steele*, are messrs. Brindley, Buford, Creagh,

Fleming, Foster, Jones, McConnell, Reese, Rodgers, Ross and Walker, of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bridges, Caffey, Cain, Campbell, Cooper, Dear, Dunn, Earle, English, Erwin, Findley, Fletcher, Gasque, Griffin, Harris, Harrison, Hendrix, Henlev, Hubbard, Jackson, Jones of Cov. Jones of G. Kennedy of L. Lankford, Martin, McClung, McMillion, Meriwether, Moore of M. Norman, Norris, Pickett, Porter, Rice, Robinson, Roby, Scott, Smith of L. Smith of T. Valliant, Walker, Whorton, Winston of DeK. Winston of S. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Rice*, are messrs. President, Brindley, Buford, Creagh, Hudson, Hunter, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Toulmin, Walker and Watkins, of the Senate; and messrs. Speaker, Abernathy, Bishop, Bothwell, Caffey, Cain, Clay, Cochran, Crowder, Dubose, Dunklin, Earle, Fletcher, Fowler, Garland, Gasque, Griffin, Harrison, Hendrix, Hill, Hubbard, Jones of Conecuh, Jones of Cov. Kennedy of M. Lankford, Marchbanks, Martin, McMillion, Meriwether, Miree, Mitchell, Morrison, Mundy, Norman, Oliver, Pettit, Rice, Richeson, Robinson, Skipper, Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of J. Winston of DeK. Winston of S. and Woodward, of the House.

Messrs. Bradley, Rice and Steele, having severally received the highest vote, and a majority of the whole number of votes given, were declared by *Mr. Speaker* duly and constitutionally elected Directors of the Branch Bank at Huntsville, for and during the term prescribed by law.

The Senate then returned to its Chamber, and *Mr. President* resumed the Chair.

Mr. Ross reported that the committee on enrolled bills had examined, and found correctly enrolled:

An act permanently to locate the seat of justice in the county of Dale, and for other purposes:

An act for the relief of tales jurors, in the county of Covington:

An act for the relief of a certain person therein named:

An act to repeal an act therein named:

An act to authorize Richard Greene, of Marengo county, to change the guardianship of his ward, Seaborn J. Butler:

An act for the relief of Sarah Switzer and Sarah P. Atkins:

An act to authorize Aaron A. Burleson to establish a ferry in Morgan county:

An act to extend the time for removal of certain slaves emancipated by a decree of the county court of Clarke county:

Mr. McConnell then moved to adjourn till ten o'clock to-morrow; which motion was lost.

Mr. Toulmin offered the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House, on Thursday, the ninth instant, at three o'clock, p. m. for the purpose of electing a Judge for the sixth judicial circuit.

On motion of Mr. Phillips, the resolution was amended by striking out "Thursday, ninth," and inserting in lieu thereof, "Friday, the tenth."

On motion, the resolution was further amended, by adding after the word "circuit," also, Judges for the first, second, third, fourth, fifth, seventh, eight and ninth judicial circuits.

On motion of Mr. Hudson, the resolution was still further amended, by adding "also, Comptroller of Public Accounts and State Treasurer."

The resolution as amended, was adopted.

Mr. Hudson offered joint resolutions in regard to stationery for the public offices of this State; which was read the first time; and on motion, the constitutional rule was dispensed with, and the joint resolutions forthwith read a second and third times, and passed.

Ordered, that the title remain unchanged.

(Mr. McConnell in the chair.)

Mr. Terry offered the following resolution:

Resolved, by the Senate, that the judiciary committee be instructed to inquire into and report to the Senate, what disposition is proper to be made of the one hundred and ten copies of documents, legislative and executive, of the Congress of the United States, in relation to the public lands, &c. which are referred to in the message of his Excellency, the Governor, to the present session of the General Assembly, on page thirteen.

Which resolution was adopted.

Mr. Moores introduced a bill, entitled an act to change the time for holding the county court of Marengo county; which was read the first time, and on motion, the constitutional rule being dispensed with, it was forthwith read the second and third times, and passed.

Ordered, that the title remain unchanged.

On motion of Mr. Watrous, the Senate then adjourned to ten o'clock, to-morrow.

THURSDAY, February 9th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. McConnell, from the committee on military affairs, to which was referred a bill regulating the appointment of a brigade drill officer in each brigade, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. McConnell, from the same committee, to which was referred a bill to reduce the number of company musters, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr. Phillips, from the committee on the judiciary, to which was referred a bill to authorize the holding of two courts a year by the Chancellors, reported, that it is inexpedient to legislate upon the subject; which report was concurred in.

Mr. McVay, from the select committee, to which was recommitted

joint resolutions in relation to an amendment of the Constitution, reported the same back to the Senate, with the following amendment, and thus amended, recommended its passage—by striking out the eleventh section and substituting the following, in lieu thereof:

“Section 11. *And be it further enacted*, That the Secretary of State shall cause these resolutions to be published in two newspapers in the town of Tuscaloosa, and in one in the towns of Huntsville, Montgomery and Mobile, at least three months before the next general election.

Mr. Creagh moved to amend the amendment by striking out “one,” and inserting “two;” which was lost.

The amendment of the committee was then concurred in.

Mr. Dent moved to refer the joint resolutions and amendments to a select committee, with instructions to strike out so much as relates to biennial sessions; which was lost.

For the passage—messrs. Brindley, Dent, Fleming, Hudson, Hunter, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Watrous and Wilson of J.

YEAS—messrs. President, Creagh, Jones, Thornton, Toulmin, Walthall and Watkins.

The bill was then read the third time and passed.

Ordered, that the title remain unchanged.

(Mr. Hudson in the chair.)

Mr. Thornton, from the select committee, to which was referred a bill to regulate the Bank of the State of Alabama, reported the bill back to the Senate, with the following amendment, insert at the end of the first section of the bill, the following words:

“And in every case, where any such bill of exchange, purchased by the said Bank, shall be protested for non acceptance or non payment, the Bank may recover thirty per cent. damages thereon, instead of the damages now allowed by law.”

Which amendment was concurred in.

On motion of Mr. Jones, the bill was referred to a select committee—composed of messrs. Thornton, Toulmin, Hunter, Jones and Walthall.

Mr. Watrous, from the select committee, to which was referred joint resolutions, in relation to the claims of the State of Alabama, on the General Government, reported the same back to the Senate, with the following amendment, and thus amended, recommended their passage.—strike out the last clause in the following words, viz:

“And to allow him a suitable compensation, not to exceed two and a half per cent. on the amount that he shall receive,” and insert in lieu thereof the following:—“For which service he shall be paid from the amount received upon claims, established by such testimony, and not otherwise established, such sum as the legislature may hereafter allow, not exceeding two and a half per centum.”

On concurring in the report of the committee:

YEAS—messrs. Buford, Creagh, Dent, Fleming, Hudson, Hunter, King, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Toulmin, Walthall, Watkins, Watrous, and Wilson of J.

NAYS—messrs. President, Brindley, Foster, Jones, McAllister, Thornton and Walker.

So the report was concurred in.

For the passage—messrs. Brindley, Buford, Creagh, Dent, Fleming, Foster, Hudson, Hunter, King, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walthall, Watkins, Watrous, and Wilson of J.

NAYS—messrs. President, Jones, McAllister and Walker.

So the joint resolutions passed.

On motion of Mr. King, the following message from the House, was taken from the President's table:

FEBRUARY 9th, 1843.

Mr. President—The House of Representatives has passed the following bills from the Senate:

A bill to alter the mode of assessing and collecting the taxes in Sumter county, approved January fourth, eighteen hundred and forty-three, and for other purposes:

A bill to incorporate the Erosophic Society of the University of Alabama:

A bill to repeal in part, an act to incorporate the town of Blountsville, in Blount county, approved December twentieth, eighteen hundred and thirty-seven:

A bill to amend an act, entitled an act, regulating punishments under the Penitentiary system, and amended the same, as therein shewn:

A bill to compensate Abraham Berry, of the county of Tuscaloosa:

A bill to regulate the expenses of the county of Mobile, and for other purposes.

The House has passed the following resolution:

Resolved, that with the concurrence of the Senate, the two Houses, will assemble in the Hall of the House of Representatives, on Thursday, the ninth inst., to elect judges for the second, third, fourth, sixth, seventh, and ninth judicial circuits; also, a Comptroller, of Public Accounts and State Treasurer, at three o'clock, p. m.

The House of Representatives insists upon their amendments to the bill from the Senate, to reduce the fees of the clerks of the several courts of this State, sheriffs and others officers, and have appointed messrs. Winston of S. Moore of M. Scott, Calhoun and Porter, a committee of conference to act with a like committee on the part of the Senate, on the matters of difference between the two Houses in relation to said bill, in which the concurrence of the Senate is requested.

The resolution proposing to go into the election of judges, was on motion, laid on the table.

The question was taken on receding from its disagreement to the amendments of the House; the result of which was, that the Senate adhered to its disagreement and appointed messrs. Thornton, Phillips, King, Watrous, and Jones, a committee of conference, on the part of the Senate, on the subject of difference between the two Houses.

A bill to be entitled an act to divide the State of Alabama into seven Congressional districts.

Mr Walker moved to amend the amendment of the House, with the following:

“Provided, nothing in this act shall be so construed as to require the member elect to reside in the district in which he may be elected.”

For its adoption—messrs. President, Brindley, Buford, Fleming, Hudson, Hunter, Jones, McAllister, McConnell, Rodgers, Thornton, Toulmin, Walker, Walthall and Watkins.

NAYS—messrs. Creagh, Dent, Foster, King, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Ross and Watrous.

So Mr. Walker's amendment was adopted.

The question of concurring in the first and second sections of the amendments of the House, was carried.

For the adoption of the third section of amendments by the House:

YEAS—messrs. President, Buford, Fleming, Hudson, Hunter, Jones, McAllister, McConnell, Rodgers, Thornton, Watkins and Wilson of J.

NAYS—messrs. Brindley, Creagh, Dent, Foster, King, McClanahan, McVay, Moores, Oliver, Phillips, Reese, Ross, Toulmin, Walthall and Watrous.

So the Senate refused to concur.

On concurring with the amendment of the House to the caption of the bill, the yeas and nays were desired—which amendment was unanimously adopted.

Mr. Rodgers moved to reconsider the vote on disagreeing to the third section; which was lost.

The question being on concurring in the amendment of the House to the bill to be entitled, an act to amend an act regulating punishments under the Penitentiary system, to strike out ‘county,’ and insert ‘country,’ was concurred in.

Mr. Dent introduced a bill to be entitled an act to confer certain powers upon the mayor of the city of Tuscaloosa; which was read the first time, and the constitutional rule being dispensed with, was read the second time forthwith.

On motion of Mr. Dent, it was referred to the judiciary committee.

On motion of Mr. Thornton, the bill to authorize the building of a jail in Greensboro', &c. was taken from the table and placed among the orders of the day.

Mr. Ross reported that the committee on enrolled bills have examined and find correctly enrolled:

An act further to amend the charter of the Alabama Life Insurance and Trust Company:

Also, an act to amend the laws now in force, in relation to insolvent estates.

Mr. Terry offered the following Protest, which was ordered to be spread upon the Journal:

The undersigned, under that provision of the Constitution that guarantees to any member the right to dissent from, and protest against any measure—which protest shall be entered on the journal—offer the following protest against the passage of the joint resolutions in relation to a reduction of the members of the House of Representatives, and also, in relation to biennial sessions, for the following reasons—

The Constitution of the State of Alabama requires the concurrence of a majority of two-thirds of both Branches, to pass resolutions proposing a-

amendments to the Constitution; and these resolutions only having received two-thirds of all voting on them, which was twenty-five—eighteen in favor, and seven opposed to the passage of the resolutions. If the framers of the Constitution intended that two-thirds of all voting should be sufficient, why did they not use that phraseology, instead of that used by them, to wit: two-thirds of both Houses shall concur.

We protest against the passage of the resolution, because they did not, in our opinion of the obvious meaning and letter of the Constitution, get for their passage the majority contemplated by the Constitution.

(Signed,)

NATH'L. TERRY,
J. E. REESE,
D. DENT,
JNO. W. WATROUS,
G. W. CREAGH.

On motion of Mr. Ross, the bill to be entitled an act for the relief of Ephraim Pharr and Thomas K. Beck, was taken from the House message, on the table of the President.

The bill was then read the first time, and on motion the constitutional rule was suspended, and the bill read the second time.

Mr. Ross offered an amendment in the form of a substitute, which was adopted.

On motion, the bill was read the third time forthwith, and passed.

Ordered, that the title remain unchanged.

The Senate then proceeded to the consideration of the orders of the day.

On motion of Mr. Phillips, the Senate adjourned until three o'clock, this afternoon.

THURSDAY AFTERNOON, 3 o'clock.

The Senate pursuant to adjournment, met at three o'clock.

Mr. Ross, from the committee on enrolled bills, reported that they have examined and find correctly enrolled:

An act to divide the State of Alabama into nine judicial circuits, and to fix the times of holding the terms of the several circuit courts in this State:

And an act for the relief of Ephraim Pharr and Thomas K. Beck.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill from the Senate to confirm the emancipation of a certain slave therein named—and has passed a resolution proposing to adjourn *sine die*, on Tuesday, fourteenth instant.

In which the concurrence of the Senate is asked.

The consideration of the orders of the day was resumed.

The amendments made by the select committee to the first section of the bill, entitled an act to raise a revenue for the support of the State government, being under consideration—

Mr. Creagh proposed to amend the amendment, so as to make five classes of lands, rated as follows:

First class, at sixteen dollars. Second class, at twelve dollars. Third

class, at eight dollars. Fourth class, at four dollars. And the fifth class, at one dollars and twenty-five cents, per acre.

For the adoption of this amendment offered by Mr. Creagh—messrs. Creagh, Hudson, Hunter, Jones, King, McClanahan, McConnell, Moores, Oliver, Phillips, Ross, Thornton, Toulmin, Walker, Walthall and Watrous.

NAYS—messrs. President, Baylor, Brindley, Dent, Fleming, Foster, McVay, Reese, Rodgers, Watkins and Wilson of J.

So the amendment offered by Mr. Creagh was adopted.

The yeas and nays were then called for, on concurring in the first amendment proposed by the committee, as amended:

YEAS—messrs. Creagh, Hunter, King, Moores, Oliver, Phillips, Ross, and Toulmin.

NAYS—messrs. President, Baylor, Brindley, Dent, Fleming, Foster, Hudson, Jones, McClanahan, McConnell, McVay, Reese, Rodgers, Thornton, Walker, Walthall, Watkins, Watrous and Wilson of J.

So the amendment proposed by the committee to the first section of the bill, was lost—as also the amendment proposed to the second section—and the first part of the amendment proposed to the third section of the bill. But the latter part of the amendment, which proposes to strike out of the sixth line of the third section, “tax collector,” and insert “assessor,” was concurred in by the Senate.

The yeas and nays were demanded on concurring in the first amendment proposed by the committee to the fourth section:

YEAS—messrs. President, Brindley, Dent, Fleming, Foster, Hudson, Jones, King, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Rodgers and Watrous.

NAYS—messrs. Baylor, Creagh, Hunter, Moores, Ross, Thornton, Toulmin, Walker, Walthall, Watkins and Wilson of J.

So the first amendment to the fourth section was concurred in.

Mr. Wilson of J. moved to adjourn to ten o'clock to-morrow; which motion was lost.

Several motions were then made for adjournment, and were severally lost.

The second amendment proposed by the committee to the fourth section of the bill, was then discussed, and the yeas and nays desired on concurring:

YEAS—messrs. Hunter, Jones, King, Moores, Oliver, Phillips, Thornton, Toulmin and Walker.

NAYS—messrs. President, Baylor, Brindley, Creagh, Dent, Fleming, Foster, Hudson, McClanahan, McConnell, McVay, Ross, Rodgers, Walthall, Watkins, Watrous and Wilson of J.

So the Senate refused to concur in the second amendment proposed to the fourth section of the bill.

The third amendment to the fourth section being under discussion,

Mr. Creagh proposed the following amendment to the amendment of the committee: In the third line of amendment, strike out ‘twenty,’ and insert ‘fifty.’

These questions were not disposed of, when on motion of Mr. Watkins, the Senate adjourned till ten o'clock, to-morrow.

FRIDAY, February 10th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Ross reported that the committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit:

An act supplemental to an act, entitled an act to alter the mode of assessing and collecting the taxes in Sumter county, approved, January fourth, eighteen hundred and forty-three, and for other purposes:

An act to repeal in part an act to incorporate the town of Blountsville, in Blount county, approved, December the twentieth, eighteen hundred and thirty-seven:

An act to compensate Abram Berry, of the county of Tuscaloosa:

An act to confirm the emancipation of a certain slave therein named:

An act to incorporate the Erosophic Society of the University of Alabama:

A message by Mr. Harrison:

Mr. President—His Excellency, the Governor, has approved bills of the following titles:

An act authorizing the judge of the county court, of the county of Lowndes, to sell certain lands, the property of Robert C. and Matilda F. Beattie, and for other purposes:

An act to repeal in part a certain act therein named:

An act authorizing the building a jail in the town of Huntsville, in the county of Madison, and for other purposes:

An act for the relief of John M. Yancy:

An act to amend the laws in regard to the limitation of actions:

An act to alter the mode of electing the Directors of the Branch of the Bank of the State of Alabama, at Huntsville:

An act for the relief of Hiram A. DeFrease, of the county of Talladega:

An act to amend the charter of the city of Tuscaloosa:

And an act to regulate the compensation of jurors and witnesses, in Talladega county, and for other purposes:

Which originated in the Senate.

On motion of Mr. Hudson, the engrossed bill from the House, to be entitled an act making appropriations for the payment of certain claims against the State, was taken from the message of the House, on the table.

The question on concurring to the first amendment of the House to the amendment of the Senate, was concurred in.

On concurring in the second amendment of the House, to strike out the appropriation to Logan D. Brandon, the yeas and nays were desired:

YEAS—messrs. Brindley, Creagh, Dent, Hudson, Hunter, Jones, King, McClanahan, McConnell, McVay, Phillips, Oliver, Reese, Rodgers, Toulmin, Walker, Walthall, Watkins and Wilson of J.

NAYS—messrs. President, Foster, McAllister, Moores and Ross.

So the second amendment of the House was concurred in. The question on concurring in the third amendment of the House, was carried.

Mr. Hudson introduced a bill to be entitled an act to compensate Lo-

gan D. Brandon, of Madison county; which was read the first time, and on motion the constitutional rule was suspended, and the bill read the second and third times forthwith and passed.

Ordered, that the title remain unchanged.

Mr. Watkins, from the committee on education, to which was referred the petition of J. W. Jennings, Isaac Martin and Joseph McCarty, of Washington county, reported that it is inexpedient to legislate on the subject, and asked to be discharged from the further consideration of the same. The committee were discharged.

Mr. Creagh asked leave to withdraw the petition; which was granted.

Leave was granted to Mr. Reese to withdraw the claim of Alexander Campbell and others.

Mr. Toulmin introduced a bill to be entitled an act to incorporate the Mobile Navigation and Insurance company; which was read the first time, and on motion the constitutional rule being dispensed with, it was read the second time forthwith, and ordered to be engrossed.

Mr. Phillips, from the committee on the judiciary, to which was referred a bill to be entitled an act to confer certain powers upon the mayor of the city of Tuscaloosa, reported the same back to the Senate and recommended its passage—which was concurred in—and on motion, the bill was read the third time and passed.

Ordered, that the title remain unchanged.

The Senate then proceeded to the consideration of the orders of the day, and resumed the consideration of the bill to raise a revenue for the support of the Government.

Mr. Creagh's amendment to the amendment of the committee, by striking out "twenty," and inserting "fifty," being under consideration when the Senate adjourned on yesterday—on concurring in the amendment, the yeas and nays were desired:

YEAS—messrs. Brindley, Creagh, Hudson, Hunter, King, McConnell, Moores, Oliver, Walker, Walthall and Wilson of J.

NAYS—messrs. President, Dent, Fleming, Foster, Jones, McAllister, McVay, Phillips, Reese, Rodgers, Ross and Toulmin.

So Mr. Creagh's amendment was lost.

The question recurring on the adoption of the amendment of the committee:

YEAS—messrs. President, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Hunter, McAllister, McVay, Oliver, Rodgers, Ross and Toulmin.

NAYS—messrs. Jones, King, McClanahan, McConnell, Moores, Phillips, Reese, Walker, Walthall and Wilson of J.

So the amendment of the committee was adopted.

On motion of Mr. Terry, the word "exclusively," was inserted in the tenth line, fourth section, after the word "kept."

The question on concurring in so much of the amendment as strikes out "are" and inserts "is," in the nineteenth line, fourth section, was carried.

The several amendments proposed by the committee to the fifth section, were concurred in.

The question was then taken on concurring in the amendments offered by the committee to the sixth section, and carried.

On concurring in the amendments of the committee to the tenth section, Mr. Terry offered the following amendment to the amendment of the committee:

“Provided, that nothing in this section shall be so construed as to compel such persons as have been heretofore permitted by the General Assembly to hawk and peddle in certain counties free of tax.” Which was adopted.

The question then recurred upon adopting the amendment of the committee as amended; which was adopted.

The several amendments proposed by the committee to sections fifteen, sixteen, seventeen, nineteen and twenty-one of the bill, were severally concurred in by the Senate—and this disposed of the report and amendments of the committee.

On motion of Mr. Moores, the vote adopting the amendments to the sixteenth section were reconsidered.

Mr. Creagh then moved to strike out the whole of the sixteenth section; which was lost:

Mr. Terry moved to strike out “county,” in the sixteenth section, fifth line, and insert “State;” on which the yeas and nays were desired:

YEAS—messrs. President, Moores, Oliver, Reese, Ross and Thornton.

NAYS—messrs. Brindley, Creagh, Dent, Fleming, Foster, Hudson, Hunter, Jones, King, McClanahan, McConnell, McVay, Phillips, Rodgers, Toulmin, Walker, Walthall, Watkins, Watrous and Wilson of J.

So Mr. Terry’s motion was lost.

The yeas and nays were then taken on the adoption of the sixteenth section:

YEAS—messrs. Brindley, Creagh, Dent, Fleming, Foster, Hudson, Hunter, Jones, King, McClanahan, McConnell, McVay, Moores, Rodgers, Ross, Thornton, Toulmin, Walker and Walthall.

NAYS—Messrs. President, McAllister and Wilson of J.

So the amendment to the sixteenth section was adopted.

Mr. Brindley offered the following amendment to come in after the word “year,” in the twenty-sixth line, fifth section, “and on every hundred dollars and upwards in specie or bills of the Bank of the State of Alabama or either of its Branches, owned or in possession of any taxpayer on the first day of May in each and every year, there shall be assessed and collected one per centum:”

YEAS—Messrs. Brindley and Foster.

NAYS—Messrs. President, Creagh, Dent, Hudson, Hunter, Jones, King, McAllister, McClanahan, McVay, Moores, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall and Watkins.

So the amendment was lost.

Mr. Rodgers moved to reconsider the vote taken yesterday, on taxing free females of color:

YEAS—Messrs. Creagh, Hunter, Jones, Moores, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watkins and Wilson of J.

NAYS—Messrs. President, Brindley, Dent, Fleming, Foster, Hud-

son, King, McAllister, McClanahan, McConnell, McVay, Phillips and Reese.

So the Senate refused to reconsider.

Mr. Toulmin offered the following amendment, to come in after the word "dollar," in the seventh line in fourth section—"where the tax paid in real or personal property by the head of such family exceeds the sum of one dollar, the females of such family shall not be taxed." Which was adopted.

Mr. Jones offered the following amendment, to come in at the end of the twentieth section: "*Provided*, That in Sumter county the assessors shall be appointed and collectors made under the regulation now provided for the collection of county tax, by the laws now in force; any provision in this act to the contrary notwithstanding."

YEAS—Messrs. Jones, Rodgers, Ross, Walthall and Watkins.

NAYS—Messrs. President, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Hunter, King, McClanahan, McConnell, McVay, Moores, Reese, Thornton, Toulmin, Walker and Wilson of J.

So the amendment was lost.

Mr. McConnell offered the following amendment by way of additional sections:

Sec. 23. *And be it further enacted*, That all slaves which may be hereafter executed in pursuance of law shall be paid for in the manner hereinafter provided.

Sec. 24. *And be it further enacted*, That whenever on the trial of any slave for a capital offence the jury shall return a verdict of guilty, the presiding judge shall have the same jury sworn to assess the value of said slave, and the verdict of said jury shall be entered on the records of the court; and when the master or owner of such slave produces to the Comptroller of Public Accounts, a transcript from the record of the court, regularly certified by the clerk, and the certificate of the sheriff that any slave has been executed in pursuance of the sentence of the court, shall be entitled to receive a warrant on the Treasurer for one half of the amount assessed by the jury, to be paid out of the fund hereinafter provided for that purpose.

Sec. 25. *And be it further enacted*, That to raise a fund for the purpose aforesaid, it shall be the duty of the assessor annually to assess a tax of one cent on all slaves under ten years, and two cents on all slaves over ten and under fifty; and it shall be the duty of the tax collectors to collect and return the same at the same time, and in the same manner that they are required by law to collect and return the State tax; and it shall be the duty of the Treasurer to keep said fund separate and distinct from the revenue of the State.

For the adoption of Mr. McConnell's amendment—messrs. President, Brindley, Dent, Fleming, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Ross, Thornton, Toulmin, Walthall and Wilson of J.

NAYS—messrs. Creagh, Foster, Hudson, Hunter, King, Moores and Watkins,

So Mr. McConnell's amendment was adopted.

Mr. Hudson moved the previous question:

YEAS—messrs. Dent, Fleming, Hudson, McClanahan, McConnell, Rodgers, Ross, Watkins and Wilson of J.

NAYS—messrs. President, Brindley, Creagh, Foster, Jones, King, McAllister, McVay, Moores, Thornton, Toulmin and Walthall.

So the call for the previous question was not sustained.

On motion, the Senate then adjourned until three o'clock, this afternoon.

FRIDAY AFTERNOON, February 10.

The Senate met pursuant to adjournment at three o'clock.

A message by Mr. Clitherall:

Mr. President—The House concurs in the resolution of the Senate to go into the election of a Judge for the second, third, fourth, sixth, seventh and ninth Judicial Circuits, and State Treasurer and Comptroller of Public Accounts, at three o'clock of this day—and I am instructed now to invite the Senate into the hall of the House of Representatives, for the purpose of making said elections.

Whereupon the Senate immediately repaired to the hall of the House, when Mr. President announced the object of their assembling.

The two Houses proceeded first to the election of a Judge for the Second Judicial Circuit:

The *Hon. Ezekiel Pickens*, alone being in nomination, and having received the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the Second Judicial Circuit, for the term prescribed by the Constitution.

The two Houses then proceeded to the election of a Judge of the Third Judicial Circuit:

The *Hon. Peter Martin*, alone being in nomination, and having received the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge for the Third Judicial Circuit, for the term prescribed by the Constitution.

The two Houses then proceeded to the election of a Judge for the Fourth Judicial Circuit:

The *Hon. Daniel Coleman*, alone being in nomination, and he having received the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the Fourth Judicial Circuit, for the term prescribed by the Constitution.

The two Houses then proceeded to the election of a Judge for the Sixth Judicial Circuit:

George W. Crabb, *Robert C. McAlpin*, *John Bragg*, and *James Seawell, Esqs.* being in nomination.

Those who voted for *Mr. Crabb*, are Messrs. Arrington, Dent, Hunter, King, McConnell, Moores, Oliver, Phillips, Reese, Walthall of the Senate; and messrs. Speaker, Banks, Barclay, Bishop, Caffey, Cain, Calhoun, Cochran, Crowder, Dear, Earle, Henley, Jones of G. Kennedy of L. Kidd, McLemore, McMillion, Meriwether, Moore of M. Murphey, Norris, Oliver, Porter, Rice, Robinson, Roby, Smith of T. Storrs, Watts, and Witherspoon of the House.

Those who voted for *Mr. Bragg*, are Messrs. President, Baylor, Brindley, Caeagh, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, Rodgers, Ross, Toulmin and Walker of the Senate; and messrs. Abernathy, Campbell, Clay, Dortch, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hodges, Jackson, Jones of Cov. Kendrick, Lankford, Martin, McClung, Miree, Morgan of A. Morrison, Norman, Pickett, Richeson, Scott, Smith of P. Tate, Turner, Walker, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward of the House.

Those who voted for *Mr. McAlpin*, are Messrs. Buford and Thornton of the Senate; and Messrs. Barron, Cooper, Dunn, Erwin, Harris, Jones of Conecuh, McCoy, Morgan of C. Pettit, and Ware of the House.

Those who voted for *Mr. Seawell*, are Messrs. McVay, Watrous and Wilson of J. of the Senate; and Messrs. Bridges, Douglass, Hubbard, Kennedy of M. Marchbanks, Morrisett, Mundy, Skipper and Valliant of the House.

Neither of the candidates having received a majority of the whole number of votes cast, the two Houses proceeded to the election again:

Those who voted for *Mr. Crabb*, are Messrs. Arrington, Buford, Dent, Foster, Hunter, King, McConnell, Moores, Oliver, Phillips, Reese and Walthall of the Senate; and messrs. Speaker, Banks, Barclay, Barron, Bishop, Caffey, Cain, Calhoun, Cochran, Crowder, Dear, Earle, Harris, Henley, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Kidd, McLemore, McMillion, Meriwether, Moore of M. Murphey, Norris, Oliver, Porter, Rice, Robinson, Roby, Smith of T. Storrs, Watts and Witherspoon of the House.

Those who voted for *Mr. Bragg*, are Messrs. President, Baylor, Brindley, Creagh, Fleming, Hudson, Jones, McAllister, McClanahan, Rodgers, Ross, Toulmin, Walker and Wilson of J. of the Senate; and messrs. Abernathy, Campbell, Clay, Dortch, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hodges, Jackson, Jones of Cov. Kendrick, Lankford, Marchbanks, Martin, McClung, Miree, Morgan of A. Morrison, Mundy, Norman, Pickett, Richeson, Scott, Smith of P. Tate, Turner, Walker, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward of the House.

Those who voted for *Mr. McAlpin*, are Mr. Thornton of the Senate; and Messrs. Cooper, Dunn, Erwin, McCoy, Morgan of C. Pettit and Ware of the House.

Those who voted for *Mr. Seawell*, are Messrs. McVay and Watkins of the Senate; and Messrs. Bridges, Douglass, Hubbard, Morrisett, Skipper and Valliant of the House.

Neither of the candidates having received a majority of all the votes given, the two Houses proceeded to ballot a third time:

Those who voted for *Mr. Crabb*, are Messrs. Arrington, Dent, Foster, Hunter, King, McConnell, Moores, Oliver, Phillips, Reese and Walthall of the Senate; and Messrs. Speaker, Banks, Barron, Bishop, Caffey, Calhoun, Cochran, Crowder, Dear, Earle, Harris, Henley, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Kidd, McLemore, McMillion, Meriwether, Moore of M. Murphey, Norris, Oliver, Porter, Rice, Robinson, Roby, Smith of T. Storrs, Watts and Witherspoon of the House.

more, McMillion, Meriwether, Moore of M. Morrisett, Murphey, Norris, Oliver, Porter, Rice, Richeson, Roby, Smith of T. Storrs, Valliant, Watts and Witherspoon of the House.

Those who voted for *Mr. Bragg*, are messrs. President, Baylor, Brindley, Creagh, Hudson, Jones, McAllister, McClanahan, Rodgers, Ross, Toulmin, Walker and Wilson of J. of the Senate; and messrs. Abernathy, Campbell, Clay, Dortch, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hodges, Jackson, Jones of Cov., Kendrick, Lankford, Marchbanks, Martin, McClung, Miree, Morgan of A. Morrison, Mundy, Norman, Pickett, Richeson, Scott, Smith of P. Tate, Turner, Walker, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward of the House.

Those who voted for *Mr. McAlpin*, are Mr. Thornton, of the Senate; and messrs. Cooper, Dunn, Erwin, McCoy, Morgan of C. Pettit and Ware, of the House.

Those who voted for *Mr. Sewall*, are messrs. McVay and Watkins, of the Senate; and messrs. Bridges, Douglass, Hubbard and Skipper, of the House.

Neither of the candidates having received a majority of all the votes cast, the two Houses proceeded to ballot the fourth time:

Those who voted for *Mr. Crabb*, are messrs. Arrington, Buford, Dent, Foster, Hunter, King, McConnell, McVay, Moores, Oliver, Phillips, Reese and Walthall of the Senate; and messrs. Speaker, Banks, Barclay, Barron, Bishop, Caffey, Cain, Calhoun, Cochran, Crowder, Dear, Earle, Harris, Henley, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Kidd, McLemore, McMillion, Meriwether, Moore of M. Morgan of C. Morrisett, Murphey, Norris, Oliver, Porter, Rice, Robinson, Roby, Smith of T. Storrs, Valliant, Watts and Witherspoon, of the House.

Those who voted for *Mr. Bragg*, are messrs. President, Baylor, Brindley, Creagh, Fleming, Hudson, Jones, McAllister, McClanahan, Rodgers, Ross, Toulmin, Walker and Wilson of J. of the Senate; and messrs. Abernathy, Campbell, Clay, Dortch, Dubose, Dunklin, English, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hodges, Jackson, Jones of C. Kendrick, Lankford, Marchbanks, Martin, McClung, Miree, Morgan of A. Morrison, Mundy, Norman, Pickett, Richeson, Scott, Smith of P. Tate, Turner, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward, of the House.

Those who voted for *Mr. McAlpin*, are Mr. Thornton, of the Senate; and messrs. Cooper, Dunn, Erwin, McCoy, Pettit, Walker and Ware, of the House.

Those who voted for *Mr. Sewall*, are Mr. Watkins, of the Senate; and messrs. Bridges, Douglass, Hubbard and Skipper, of the House.

Neither of the candidates having received a majority of the whole number of votes cast, the two Houses proceeded to ballot a fifth time:

Those who voted for *Mr. Crabb*, are messrs. Arrington, Buford, Dent, Foster, Hunter, King, McConnell, McVay, Moores, Oliver, Phillip Reese and Walthall, of the Senate; and messrs. Banks, Barclay, Barro Bishop, Cain, Calhoun, Cochran, Cooper, Crowder, Dear, Earle, Harr

Henley, Jones of Conecuh, Jones of G. Kennedy of L. Kennedy of M. Kidd, McLemore, McMillion, Meriwether, Moore of M. Morgan of C. Morrisett, Murphey, Norris, Oliver, Pettit, Porter, Rice, Robinson, Roby, Smith of T. Storrs, Valliant, Ware, Watts and Witherspoon, of the House.

Those who voted for *Mr. Bragg*, are messrs. President, Baylor, Brindley, Creagh, Fleming, Hudson, Jones, McAllister, McClanahan, Rodgers, Ross, Toulmin, Walker, Watkins and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Caffey, Campbell, Clay, Dortch, Dubose, Dunklin, Dunn, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hodges, Hubbard, Jackson, Jones of Cov. Kendrick, Lankford, Marchbanks, Martin, McClung, McCoy, Mirree, Morgan of A. Morrison, Mundy, Norman, Pickett, Richeson, Scott, Skipper, Smith of P. Tate, Turner, Walker, Whorton, Williams of P. Winston of DeK. Winston of S. and Woodward, of the House.

Mr. Bragg having received a majority of all the votes cast, was declared by Mr. Speaker duly and constitutionally elected Judge of the sixth judicial circuit, for and during the term prescribed by the Constitution.

The two Houses then proceeded to the election of a Judge for the seventh judicial circuit—*Samuel Chapman* alone being in nomination, received one hundred and five votes, being the whole number of votes cast, and was declared by Mr. Speaker, duly and constitutionally elected Judge of the seventh judicial circuit, for and during the term prescribed by law.

The two Houses then proceeded to the election of a Judge for the ninth judicial circuit—*Eli Shortridge* and *George W. Stone*, being in nomination.

Those who voted for *Mr. Shortridge*, are Messrs. President, Brindley, Buford, Creagh, Dent, Foster, Hunter, Jones, King, McAllister, McConnell, McVay, Moores, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall and Watkins, of the Senate; and Messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bridges, Caffey, Cain, Cochran, Campbell, Calhoun, Cooper, Crowder, Dear, Dortch, Douglass, Dunklin, Dunn, Earle, Erwin, Fowler, Gasque, Harrison, Hendrix, Henley, Hill, Hodges, Jones of C. Jones of G. Kendrick, Kennedy of M. Lankford, Marchbanks, Martin, McCoy, McLemore, McMillion, Meriwether, Mirree, Morgan of A. Morgan of C. Morrison, Murphey, Norris, Pettit, Rice, Roby, Skipper, Smith of P. Smith of T. Storrs, Tate, Turner, Walker, Ware, Watts, Whorton, Williams of P. Winston of DeK. Winston of S. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Stone*, are messrs. Arrington, Hudson, McClanahan, Oliver, Phillips, Reese and Wilson of J. of the Senate; and messrs. Barron, Dubose, English, Findley, Fletcher, Hubbard, Jackson, Jones of Conecuh, Kennedy of L. Kidd, McClung, Moore of M. Mundy, Norman, Oliver, Pickett, Richeson, Scott, Valliant and Winston of S. of the House.

Mr. Shortridge having received a majority of all the votes cast, was declared by Mr. Speaker duly and constitutionally elected Judge of the

ninth judicial circuit, for and during the term prescribed by the Constitution.

The two Houses then proceeded to the election of a State Treasurer—*Samuel G. Frierson*, alone being in nomination, received all the votes cast, and was declared by Mr. Speaker duly and constitutionally elected State Treasurer, for and during the term prescribed by the Constitution.

The two Houses then proceeded to the election of a Comptroller of Public Accounts—*Jefferson C. Van Dyke*, being alone in nomination, received ninety-eight votes, being all the votes cast, and was declared by Mr. Speaker duly and constitutionally elected Comptroller of Public Accounts for the State of Alabama, for and during the term prescribed by the Constitution.

The Senate having returned to its chamber, Mr. President resumed the chair, and re-engaged in the consideration of the revenue bill.

Mr. Creagh moved to strike out "one half," from the twenty-fourth section, for the purpose of inserting "the whole;" which was lost:

YEAS—messrs. Buford, Creagh, Hudson, Hunter, King, McAllister, Moores, Oliver, Phillips and Watkins—10.

NAYS—messrs. President, Baylor, Brindley, Dent, Fleming, Foster, Jones, McClanahan, McConnell, McVay, Rodgers, Ross, Toulmin, Walker, Walthall and Wilson of J.—16.

Mr. Foster offered the following amendment to the bill, to come in at the end of the twelfth section:

Provided, that the election of tax collector, to collect the taxes for the year eighteen hundred and forty-three, in the counties of Cherokee and De Kalb, shall take place at the time now provided by law, and thereafter, at each general election, commencing on the first Monday in August next, and annually, thereafter.

Which was lost.

Mr. Jones offered the following amendment:

Provided, that the commissioners' court of Sumter county, shall appoint assessors for each tax beat, as now laid off in the county, instead of the beats specified in this act: *And provided also*, that said commissioners' court shall appoint assessors for the said beats, for the year eighteen hundred and forty-four, at the last term of the said court, to be held for the year eighteen hundred and forty-three, and annually, thereafter, at the last term of said court, shall appoint assessors for the year succeeding: *Provided further*, that the assessors, so appointed, shall assess and make their returns to the county clerk; the clerk shall consolidate the assessments, and deliver them to the tax collector, by the first of April, in each and every year, in the form and manner provided for in this act, instead of the time specified in this act.

Which was lost.

Mr. Creagh moved to strike out the fourteenth section of the bill which was lost.

YEAS—messrs. Brindley, Buford, Creagh, Dent, McConnell, Oliver, Phillips, Rodgers, Toulmin and Walthall.

NAYS—messrs. President, Foster, Hudson, Jones, King, McAllister, McClanahan, McVay, Moores, Reese, Ross, Thornton, Walker and Wilson of J.

So the motion was lost.

Mr. King offered the following amendment :

Sec. 26. *And be it further enacted*, That the tax collector be required to collect and assess the tax of any person taxed by this act, who may have failed to give in his tax list to the assessor, whenever the same may come to his knowledge, and due return make thereof.

Which was adopted.

Mr. King offered the following amendment :

And be it further enacted, That the return of the assessor, shall have the force and effect of an execution ; and the collector is authorized, after the second round of collection, to levy and sell, and charge constables' costs for the same ; and any constable in the county may collect the taxes.

Which was lost.

Mr. Jones offered the following amendment to the eleventh line of the fourth section : strike out "the amount at which they may stand per season," and insert "twenty per cent. on their value, to be given on oath."

Which was lost.

On motion, the bill was then read the third time and passed :

YEAS—messrs. President, Creagh, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Rodgers, Thornton, Toulmin, Walker, Walthall and Wilson of J.

NAYS—messrs. Dent, Oliver, Phillips, Reese and Ross.

On motion of Mr. Walker, the caption was amended, by adding the words "and for other purposes :"

YEAS—messrs. Brindley, Creagh, Dent, Foster, King, McConnell, Moores, Oliver, Reese, Ross, Thornton, Toulmin, Walker and Walthall.

NAYS—messrs. President, Buford, Hudson, Jones, McAllister, McClanahan, McVay, Phillips, Rodgers and Wilson of J.

On motion, the Senate adjourned until seven o'clock, this evening.

EVENING SESSION.

Pursuant to adjournment, the House met at seven o'clock.

Mr. Ross reported that the committee on enrolled bills have examined, and find correctly enrolled, bills of the following titles :

An act for the relief of James T. Lindsay :

An act to form an additional regiment in the counties of Tuscaloosa and Coffee :

An act for the relief of a certain individual therein named :

An act to regulate the expenditures of the county of Mobile, and for other purposes :

An act better to secure rents :

An act to form an additional regiment in the county of Blount, and for other purposes :

An act to incorporate the town of Van Buren, in the county of De Kalb :

And, an act to amend an act entitled an act regulating punishments under the Penitentiary system.

On motion, leave was granted to amend the report previously made by the committee on enrolled bills, by striking therefrom:

“An act to compensate Robert Fenner and others, for services therein specified.”

Mr. Walthall reported that the select committee, to which was referred a bill to regulate the Bank of the State of Alabama, and for other purposes, had made the following amendments thereto:

Add to the end of the first section:

“*And provided*, That they shall be authorized to take bills of exchange, having a short time to run, in payment of curtailments upon any debt to the Bank, and such bill shall be subject to the damages heretofore allowed by law, and shall not be subject to thirty per cent. damages as provided in the preceding part of this section.”

Second amendment: Strike out “seven,” and insert “twelve,” in the third line and third section; strike out from the seventh line of the same section: “reduced to four,” and insert “six” in lieu thereof.

Third amendment: Strike out of the same section, these words “have the compensation now provided by law,” and insert in lieu thereof “receive three dollars per day: *Provided*, no Director shall receive more three hundred dollars in any one year, as compensation for his services as Director of said Bank.”

The first amendment proposed by the committee was adopted.

Mr. Terry proposed to amend the second amendment, by substituting the following:

“From six persons to be nominated by the Governor, subject to the rejection of the Legislature, and should any be reject, it is hereby made the duty of the Governor to nominate a similar number, and so on until a board is made.”

Which was lost.

The question was then taken on striking “seven,” as proposed by the committee:

YEAS—messrs. Brindley, Dent, Fleming, Foster, McAllister, McConnell, Moores, Oliver, Rodgers, Ross and Walthall.

NAYS—messrs. President, Creagh, Hudson, Jones, King, McClanahan, McVay, Phillips, Reese, Thornton and Toulmin.

So the Senate refused to strike out “seven.”

The yeas and nays were then demanded on so much of the report of the committee, as proposes to strike out “reduced to four,” and insert “six:”

YEAS—messrs. President, Brindley, Dent, Fleming, Foster, Jones, McConnell, McVay, Moores, Oliver, Rodgers, Ross, Thornton and Walthall.

NAYS—messrs. Creagh, Hudson, King, McClanahan, Phillips, Reese and Toulmin.

So the Senate concurs in that part of the report which strikes out of the bill “reduced to four,” and insert “six.”

The remaining part of the report was then concurred in.

Mr. Creagh offered the following amendment, to come in after the words "short time," in the first section, "not exceeding thirty days."

Mr. Hudson proposed "ninety days."

Mr. Terry proposed "nine months," on which the yeas and nays stood thus:

YEAS—messrs. President, Brindley, Dent, Fleming, Foster, Jones, Moores, Rodgers, Ross, Thornton and Walthall.

NAYS—messrs. Creagh, Hudson, King, McClanahan, McConnell, McVay, Oliver, Phillips, Reese and Toulmin.

So Mr. Terry's amendment was adopted in lieu of Mr. Hudson's amendment, which was offered as a substitute for Mr. Creagh's amendment.

Mr. Oliver offered the following amendment to the amendment just adopted:

"Provided further, That the same powers in taking bills of exchange, shall be exercised in like manner by the President and Directors of the several Branch Banks placed in liquidation."

YEAS—messrs. President, Brindley, Dent, Fleming, Hudson, Jones, McConnell, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton and Walthall.

NAYS—messrs. Creagh, Foster, King, McClanahan, McVay and Toulmin.

So Mr. Oliver's amendment to the amendment was adopted.

The yeas and nays were then demanded on the adoption of the amendment as amended:

YEAS—messrs. President, Dent, Fleming, Jones, McConnell, Moores, Rodgers, Ross, Thornton and Walthall.

NAYS—messrs. Brindley, Creagh, Foster, Hudson, King, McClanahan, McVay, Oliver, Phillips, Reese and Toulmin.

So the amended amendment was rejected.

Mr. Jones offered the following amendment:

"Provided further, That in no instance shall the bills of the State Bank or either of the Branch Banks, be used in the purchase of bills of exchange for the purpose first specified."

Which was lost.

YEAS—messrs. Creagh, Foster, Hudson, King, McClanahan, Oliver, Phillips, Reese and Toulmin—9.

NAYS—messrs. President, Brindley, Fleming, Jones, McConnell, McVay, Moores, Rodgers, Ross, Thornton and Walthall—11.

On Mr. Hudson's motion to reconsider the vote adopting the first amendment proposed by the committee to the bill.

On motion of Mr. Walthall, the bill was read the third time forthwith, and passed:

YEAS—messrs. President, Brindley, Fleming, Foster, Jones, King, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Thornton, Toulmin and Walthall.

NAYS—messrs. Creagh, Hudson, McClanahan, Moores, Rodgers and Ross.

Ordered, that the title remain unchanged.

Mr. Thornton made the following report:

The committee of conference on the part of the Senate, upon a bill to be entitled an act to reduce the fees of the clerks of the several courts of this State, sheriffs, and other officers, have met the committee appointed on the part of the House of Representatives, and upon conference held, instructed me to report the bill back to the Senate, with the following recommendation, viz:

"That the Senate recede from its disagreement to the amendment of the House, and amend the said amendment as follows:

Strike out the first section of said amendment, and insert as section first, the fees of the clerks of the Supreme court shall be reduced twenty-five per cent. on the amount now allowed by law.

In section fourth of said amendment, strike out "as compensation to the register in chancery, for each subpoena, ten cents," and insert "twenty-five cents;" and as compensation for each report, strike out "one dollar," and insert "one dollar and fifty cents."

In section fifth of said amendment, add after the word "plaintiff," in the seventh line thereof, the following:

"And no commissions shall be charged but upon the amount of money actually collected."

And strike out all of the said section five, after the word "commissions," in the twelfth line of said section; and add as section twelve:

"Be it further enacted. That this law shall be in force from and after the tenth of March next, and the Secretary of State be required to publish the same immediately after its passage. by an insertion in each of the papers published in the town of Tuscaloosa."

Which report was concurred in.

Mr. Jones introduced a bill concerning executions; and for other purposes; which was read the first time.

Mr. President declared the bill out of order, because the matters contained therein are the same as in a bill heretofore introduced in the Senate, and lost.

Mr. Jones appealed from the decision of the chair.

The question was then put—Shall the decision of the chair stand as the judgment of the Senate?

YEAS—Messrs. President, Brindley, Fleming, Foster, McAllister, McClanahan, McVay, Reese, Phillips and Toulmin.

NAYS—Messrs. Creagh, Hudson, Jones, McConnell, Moores, Oliver, Rodgers and Walthall.

So the decision of the chair was sustained.

Mr. King introduced a bill to incorporate the trustees of the Carrollton Academy, in the county of Pickens; which was read the first time, and on motion, the constitutional rule was dispensed with, the bill was read the second and third times forthwith, and passed.

Ordered, that the title remain unchanged.

Leave of absence for the remainder of the session, was granted to Messrs. Hunter and Watkins.

Mr. Foster introduced a bill to provide for the election of tax collector for the counties of Cherokee, De Kalb and Lawrence; which was

read the first time, and on motion, the constitutional rule was dispensed with, the bill was read the second and third times, and passed.

For its passage—Messrs. President, Foster, Jones, King, McAllister, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers and Ross.

NAYS—Messrs. Creagh, Fleming, Hudson, McClanahan, Thornton, Toulmin and Walthall.

Ordered, that the title remain unchanged.

Mr. Foster moved to reconsider the vote on sustaining the decision of the chair, on the bill concerning executions, and for other purposes; which was carried.

When, on motion of Mr. Phillips, the Senate adjourned until ten o'clock, to-morrow morning.

SATURDAY, February 11, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Fleming moved to reconsider the vote taken on the passage of the bill to be entitled an act to regulate the Bank of the State of Alabama; which was carried.

Mr. Hudson moved to reconsider the vote taken last evening, on the adoption of Mr. Terry's amendment of "nine months;" which was carried.

Mr. Hudson moved to reconsider the vote on ordering the bill to a third reading; which was carried.

On motion, the further consideration of the bill was postponed until three o'clock, this afternoon.

Mr. Hudson presented the accounts of V. Hart, and White and Snow; which were referred to the committee on accounts and claims.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act to amend the charter of the several incorporated cities and towns of this State, was read the third time and passed.

Ordered, that the title remain unchanged.

Bills of the following titles were severally read the third time and passed—

An act to incorporate the Mobile Navigation and Insurance Company:

An act to extend the jurisdiction of county courts in certain cases:

An act to extend the right of appeal:

An act regulating the appointment of a brigade drill officer in each brigade:

An act to reduce the number of company musters required by law to be holden, and prescribe the manner of holding company courts martial:

An act to authorize the commissioners' court of Greene county to erect a jail at Greensboro' for the safe keeping of slaves levied on under execution:

Ordered, that their titles remain unchanged.

Joint resolutions in regard to the expense accounts of the Bank of

the State of Alabama, and its Branches, were read the third time, and on motion of Mr. Hudson, referred to a select committee, composed of Messrs. Hudson, Fleming and Phillips:

A bill to be entitled an act concerning executions, and for other purposes:

The question being on sustaining the decision of the Chair in pronouncing the bill out of order.

Mr. Jones asked leave to withdraw the bill, which was granted,—and suspended the question of sustaining the Chair.

And this completed the orders of the day.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed bills of the following titles—

A bill to be entitled an act to aid in the establishment of a school for the deaf and dumb:

A bill to be entitled, an act to amend an act to incorporate the Cahawba Academy, in the county of Dallas, passed July tenth, eighteen hundred and thirty-one:

A bill to be entitled an act to authorize Franklin Fortner to erect a bridge across the Big Warrior river:

A bill to authorize the commissioners' court of Butler county to levy an additional tax:

A bill to extend the time for collecting the taxes of Walker county for the years eighteen hundred and forty and eighteen hundred and forty-one:

A bill to repeal in part a certain act therein named, so far as the sixth section thereof relates to the county of Pickens:

A bill to vest in Martha Mary Ann Moore, the wife of J. S. Moore, certain rights and privileges therein named, and for other purposes;

A bill to amend the road laws, so far as they relate to the county of Marengo:

A bill to repeal in part an act relating to sixteenth sections:

A bill to compel commissioners of sixteenth sections to pay over funds received by them, and for other purposes:

A bill to increase the county tax in Marengo county.

A bill to require the county officers of Marshall county to receive certain claims therein named:

A bill to provide a fund and to make appropriations to defray the expenses of the present General Assembly, and of the Civil List for the year eighteen hundred and forty-three:

In which the concurrence of the Senate is requested.

A message, by Mr. Harrison:

Mr. President—His Excellency the Governor has approved bills of the following titles, to wit—

An act to compensate Abraham Berry, of the county of Tuscaloosa:

An act to repeal in part an act to incorporate the town of Blountsville in Blount county, approved December twenty, eighteen hundred and thirty-seven:

An act to incorporate the Erosophic Society of the University of Alabama:

An act supplemental to an act entitled, an act to alter the mode of assessing and collecting the taxes in Sumter county, approved January fourth, eighteen hundred and forty-three, and for other purposes:

And, an act to confirm the emancipation of a certain slave therein named.

A bill to be entitled an act to aid in the establishment of a school for the deaf and dumb, was read the first time.

On motion, the constitutional rule was suspended, and the bill read the second time,—and on motion, amended, by inserting “one hundred” in the third line, second section, after the words “sum of.”

The constitutional rule was further suspended, the bill read the third time, and passed.

Ordered, that the title remain unchanged.

An act to amend an act to incorporate the Cahawba Academy, in Dallas county, passed January tenth, eighteen hundred and thirty-one, was read the first time.

On motion, the constitutional rule was suspended, and the bill read the second and third times forthwith, and passed.

Ordered, that the title remain unchanged.

On motion, the messages of the House were suspended, to allow Mr. Brindley to introduce a bill.

Mr. Brindley introduced a bill to be entitled an act for the benefit of defendants in execution, which was read the first time.

On motion, the constitutional rule was suspended, the bill read a second time forthwith, and referred to a select committee, consisting of Messrs. Brindley, Foster and Hudson.

A bill from the House, entitled an act to require the county officers of Marshall county to receive certain claims therein named, was read the first time.

On motion, the constitutional rule was dispensed with, the bill read the second and third times forthwith, and passed.

Ordered, that the title remain unchanged.

A bill from the House, to be entitled an act to increase the county tax in Marengo county, was read the first time.

On motion, the constitutional rule was suspended, and the bill read the second time, and ordered to a third reading, on to-morrow.

A bill from the House, to be entitled an act to repeal in part an act in relation to sixteenth sections, was read the first time.

On motion, the constitutional rule was dispensed with, the bill read the second and third times forthwith, and passed.

Ordered, that the title remain unchanged.

A bill from the House, to be entitled an act to amend the road laws, so far as they relate to the county of Marengo, was read the first time.

On motion, the constitutional rule was suspended, the bill read the second time, and ordered to a third reading on to-morrow.

A bill from the House, to be entitled an act to repeal in part a certain act therein named, so far as the sixth section thereof relates to the county of Pickens, was read the first time.

On motion, the constitutional rule was suspended, and the bill read the second and third times, and passed.

Ordered, that the title remain unchanged.

The bill to vest in Martha Mary Ann Moore, certain rights and privileges, &c. &c., was read the first time, and ordered to a second reading on to-morrow.

The House bill, to compel commissioners of sixteenth sections to pay over funds, &c. &c., was read the first time in the Senate.

On motion, the rule was suspended, and the bill forthwith read the second time, and referred to the committee on education.

A bill from the House, to be entitled an act to extend the time for collecting the taxes of Walker county for the years eighteen hundred and forty and eighteen hundred and forty-one, was read the first time.

On motion, the constitutional rule was dispensed with, the bill read the second and third times, and passed.

Ordered, that the title remain unchanged.

A bill from the House, to be entitled an act to authorize the commissioners' court of Butler county to levy an additional tax, was read the first time.

On motion, the constitutional rule was dispensed with, the bill was read the second time.

Mr. Ross offered the following amendment: In the first section, strike out after the word "Butler," all to the word "May."

Additional section:

Section 2. *And be it further enacted*, That for the purpose of enabling said court of commissioners of roads and revenue of said county to comply with the first section of this act, they are hereby authorized to hold a special term of said court, on the first Monday in April, eighteen hundred and forty-three, any law or usage to the contrary notwithstanding.

Which was adopted—on motion, the constitutional rule was suspended, the bill read the third time, and passed.

Ordered, that the title remain unchanged.

The House bill to be entitled an act to authorize Franklin Fortner, to erect a toll bridge across the Big Warrior, was read the first time, the constitutional rule dispensed with and the bill read the second and third times, and passed.

Ordered, that the title remain unchanged.

Mr. Ross, from the committee on enrolled bills, reported, that they have examined, and find correctly enrolled the following bills:

An act to amend an act, to incorporate the Cahawba Academy, in the county of Dallas, passed January tenth, eighteen hundred and thirty-one:

And an act to regulate the management and expenses of the Bank of the State of Alabama and its several Branches:

An act to enable the corporate authorities of the city of Mobile to provide for the security and payment of the debts of the said city, and for other purposes:

An act to reduce the pay of the Inspectors of the Penitentiary, and define their duties, and for other purposes:

An act making appropriations for the payment of certain claims against the State:

An act for the benefit of the sixteenth section, township sixteen, range twelve, Dallas county:

An act to attach ten acres of land, on which Benjamin Barron resides, lying in Russell county, to the county of Macon:

And an act for the relief of Peter Eldridge, Isham C. Browder and others.

Message from the House, by Mr. Clitherall:

Mr. President—The House of Representatives has originated and passed bills of the following titles:

A bill to be entitled an act, to change the times of holding the terms of the county court of Greene county:

A bill to be entitled an act, to change the time for holding the county court of Marengo county:

A bill to be entitled an act, concerning chancery practice:

A bill to be entitled an act, to authorize Robert P. Harrison and his associates, to establish a ferry across the Black Warrior river, in the county of Blount:

A bill to be entitled an act, to charter and incorporate the members of the Mobile Lodge, No. two, of the Independent Order of Odd Fellows, in the city of Mobile:

A bill to be entitled an act, to authorize the commissioners of township one, range ten, west, to do certain acts therein named:

Joint resolutions, directory to the Secretary of State:

Joint resolutions in relation to the salt wells and salt springs, belonging to the State of Alabama:

A bill to be entitled an act, to extend the provisions of certain acts therein named, to the county of Blount:

A bill to be entitled an act, in relation to the public roads in the county Wilcox:

A bill to be entitled an act, for the relief of Howell E. Chitty:

A bill to be entitled an act, for the relief of Sally C. Gunn:

A bill to be entitled an act, to repeal a part of an act therein named, and for other purposes:

A bill to be entitled an act, to change the time of holding certain chancery courts in the Southern chancery division:

A bill to be entitled an act, in relation to jurors in Walker county:

A bill to be entitled an act, for the improvement of the river Noxubee, in the county of Sumter:

A bill to be entitled an act, to set apart from the State Bank, a sum to defray the expenses of the Penitentiary, for the present year:

A bill to be entitled an act, declaring the Chatooga river a public highway, and the better securing the health of the people of Cherokee county, by preventing the cutting of timber into the water courses:

A bill to be entitled an act, to incorporate the town of Tuskegee, in the county of Macon:

A bill to be entitled an act, to establish a ferry across Old Town creek:

A bill to be entitled an act, to change the names of certain persons therein named:

A bill to be entitled an act, in relation to the settlement of the accounts of executors, administrators and guardians:

A bill to be entitled an act, for the relief of Adaline R. Deavreux:

A bill to be entitled an act to change the times of holding the the county courts of St. Clair, Marion, and Tuscaloosa counties:

An act, to be entitled an act, to regulate the selection of grand and petit jurors:

A bill to be entitled an act, for the relief of the legal representatives of Jesse B. Phillips, deceased:

A bill to be entitled an act, regulating the appointment of commissioners in certain cases, in the county of De Kalb:

A bill to be entitled an act, to authorize the judge of the county court and commissioners of roads and revenue of the county of Tallapoosa, to levy a tax for certain purposes:

Joint resolutions to extend the time of payment to the purchasers of sixteenth sections, and indebtedness to sixteenth section loans:

A bill to be entitled an act, to change the time of holding the county courts of Limestone county:

A bill to be entitled an act, to provide a special tax for Marshall county:

A bill to be entitled an act, to authorize the judge of the county court and commissioners of revenue and roads of certain counties, to levy an extra tax for the purpose of paying county debts:

Joint resolutions of the Senate and House of Representatives of the State of Alabama, in General Assembly convened, to authorize the Bank of the State of Alabama and its several Branches, to issue small Bank notes, in exchange for larger Bank notes:

A bill to be entitled an act, to divorce Mary T. Judson from her husband, Lewis Judson:

A bill to be entitled an act, to divorce certain persons therein named—in which the concurrence of the Senate is requested.

The above recited bills were then severally read the first time, and on motion, the constitutional rule was suspended, and the bills read the second and third times and passed.

Ordered, that the titles remain unchanged.

Joint resolutions of the Senate and House of Representatives, of the State of Alabama, in General Assembly convened, to authorize the Bank of the State of Alabama and its several Branches, to issue small Bank notes in exchange for larger Bank notes:

Mr. Hudson offered the following amendment:

Provided, that the provisions of this act, shall not be so construed as to authorize the said Banks to issue or put in circulation, any new bills of a new impression; which was lost:

A bill to be entitled an act, to authorize the judge of the county court and commissioners of roads and revenue of certain counties, to levy an extra tax for the purpose of paying county debts:

Mr. Wilson of J. moved to strike out "Jackson:"—Mr. Watrous, to insert "Bibb;" which was carried:

For the passage of the bill to be entitled an act, to divorce Mary T.

Judson from her husband Lewis Judson—messrs. President, Arrington, Baylor, Brindley, Buford, Fleming, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Reese, Rodgers, Ross, Thornton, Toulmin, Walker, Walthall, Watrous and Wilson of J.

NAYS—messrs. Creagh, Dent and Foster.

For the passage of the act to divorce certain persons therein named: Messrs. President, Arrington, Baylor, Buford, Fleming, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Walker, Walthall and Watrous.

NAYS—messrs. Creagh, Dent and Foster.

Bills of the following titles were then severally read the first time and on motion, the constitutional rule was suspended and the bills read the second time forthwith and referred to the appropriate committees:

A bill to be entitled an act to appropriate to Thomas Bruce a sum of money therein named—to the committee on accounts and claims:

A bill to be entitled an act to divorce certain persons therein named—to the committee on divorce and alimony:

A bill to be entitled an act to exempt, from and after the fourth day of July, one thousand eight hundred and forty three, real estate not exceeding forty acres, from execution upon contracts thereafter made—to the committee on the judiciary, with instructions to report on Monday:

A bill to be entitled an act to incorporate the trustees of the Bishop's fund of the Protestant Episcopal church in the diocese of Alabama—to a select committee, composed of Messrs. Toulmin, King and Walthall.

A bill to be entitled an act to provide a fund and to make appropriations to defray the expenses of the present General Assembly, and for the civil list for the year eighteen hundred and forty-three, was read the first time; on motion, the constitutional rule was suspended, the bill read the second and third times and passed.

Ordered, that the title remain unchanged.

A bill to be entitled an act to establish and abolish certain election precincts and for other purposes, was read the first time, and, on motion, the rule being suspended, was forthwith read the second time.

Mr. Creagh moved to amend by striking out "at the house of Joseph Swanz, in the lower Perdido settlement, in Baldwin county;" adopted.

Mr. Reese moved to amend by striking out "the late residence of Mr. West, at the Gold Branch," and insert "the house of Samuel G. Adams;" adopted.

Mr. Ross moved to amend with the following section:

And be it further enacted, That the election precinct heretofore established at Sheffield's Mills, in the county of Wilcox, be and the same is hereby removed to the house of Silas C. Dunn, in said county; and the precinct at St. Helena, in Madison county, is hereby discontinued.

Message from the House, by Mr. Clitherall:

Mr. President—The House of Representatives has passed bills from the Senate of the following titles:

An act concerning the office of Russell circuit and county court:

An act for the relief of a certain individual therein named:

An act to form an additional regiment in the counties of Tuscaloosa and Coffee.

An act to form an additional regiment in the county of Blount, and for other purposes:

An act the better to secure rents:

An act for the relief of Thomas W. Wiley :

An act for the relief of J. T. Lindsay:

An act to amend the charter of the Montgomery Rail Road Company, and for other purposes:

An act to add a part of Monroe to Clarke county:

An act to incorporate the town of Van Buren, in the county of DeKalb.

Joint resolutions relating to the manufacture of cotton bagging and rope in the Alabama penitentiary.

The House recedes from its amendments to the bill for the relief of B. M. Bradford and Jack Shackelford.

The House concurs in the amendments made by the Senate to the bill to enable the corporate authorities of the city of Mobile to provide for the security and payment of the debts of said city, and for other purposes.

The House has passed an act for the relief of the purchasers of sixteenth section, township eighteen, range five, east, in the Coosa land district, and has amended the same as therein shown. They have also amended the caption.

The House concurs in the amendment made by the Senate, to the bill for the relief of Peter Eldridge, Isham C. Browder and others.

The House concurs in the amendment made by the Senate, to the amendments of the House to the bill for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile.

The House concurs in the amendment made by the Senate, to the bill for the relief of Ephraim Pharr and Thomas K. Beck.

The House also concurs in the amendments made by the Senate, to the bill for the benefit of the sixteenth section, township sixteen, range twelve, Dallas county : and the amendments made by the Senate to the bill to attach the ten acres of land on which Benjamin F. Barron resides, lying in Russell county, to the county of Macon.

The House concurs in the amendment of the Senate, to the bill to regulate the management and expenses of the Bank of the State of Alabama, and its several Branches.

The House disagrees to the amendments made by the Senate, to the bill to fix the compensation of the members of the General Assembly, and officers of the two Houses.

The House has passed a bill from the Senate, to amend the laws on the subject of divorces

A bill requiring the tax collector of Benton county to receive county claims in payment for county taxes, amended as therein shown :

A bill to regulate suits against the Bank of the State of Alabama, or any of its Branches :

A bill from the Senate, concerning trustees :

A bill from the Senate, in relation to the estates of deceased persons:

A bill for the better regulation of the Board of Trustees for the University of Alabama.

The House has rejected a bill from the Senate, to authorize Nelson H. White to turnpike a certain road therein named.

The House concurs in the amendment made by the Senate, to the bill for the payment of claims against the State, and has amended the same as therein shown.

The Senate concurred in the amendments made by the House, to the bill to require the tax collector of Benton county to receive county claims, and for other purposes.

The Senate concurred in the amendments made by the House, to a bill to be entitled an act amendatory of the laws in relation to the estates of deceased persons.

The yeas and nays were demanded, upon receding from the amendments made by the Senate, to a bill to fix the compensation of the members of the General Assembly, and the officers thereof:

YEAS—messrs. Brindley, Creagh, Dent, McConnell, McVay, Oliver, Phillips, Reese, Walthall, Watrous and Wilson of J.—12.

NAYS—messrs. President, Arrington, Fleming, Foster, Hudson, King, McAllister, McClanahan, Moores, Rodgers, Ross, Thornton, Toulmin and Walker—14

So the Senate adheres to its amendment.

On motion, the Senate adjourned until three o'clock, this afternoon.

SATURDAY AFTERNOON.

The Senate, pursuant to adjournment, met at three o'clock.

Mr. Ross reported that the committee on enrolled bills have examined, and find correctly enrolled, an act for the better regulation of a Board of Trustees for the University of Alabama:

An act concerning trustees:

An act to regulate suits against the Bank of the State of Alabama, or any of its Branches:

An act amendatory of the laws on the subject of divorce:

An act to amend the charter of the Montgomery Rail Road Company, and for other purposes:

An act to amend an act entitled an act to authorize the guardians of minors, idiots and lunatics, to receive and remove from the State, any property to which such ward may be entitled, when both guardian and ward reside out of the State, or to remove the same from one county to another in this State, &c., approved February second, eighteen hundred and thirty-nine:

An act for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile.

Mr. Brindley, from the select committee, to which was referred a bill for the benefit of defendants in execution, reported the same back to the Senate, with the following amendment, and thus amended, recommended its passage—amendment to come in at the end of the second section:

On which bonds, when returned forfeited, execution shall issue against the principal and security or securities, as in other forthcoming bonds in this State.

Which was adopted.

Mr. McClanahan moved to strike out the following proviso, in the second section :

Provided, the same shall not die, escape, or waste without the connivance of said defendant.

The motion was lost.

Mr. Creagh offered the following amendment, as an additional section :

Sec. —. *Be it further enacted*, That no person shall take the benefit of this act, unless he shall have paid the interest, and twenty-five per cent. of the principal.

Which was lost.

The bill was then ordered to be engrossed for a third reading, to-morrow.

A message by Mr. Harrison :

Mr. President—His Excellency the Governor has approved bills of the following titles :

An act for the relief of B. M. Bradford and Jack Shackelford :

Joint resolutions relating to the manufacture of cotton bagging and rope in the Alabama Penitentiary :

An act to regulate the expenditures of the county of Mobile, and for other purposes :

An act to form an additional regiment in the counties of Tuscaloosa and Coffee :

An act for the relief of James T. Lindsay :

An act to form an additional regiment in the county of Blount, and for other purposes :

An act for the relief of a certain individual therein named :

An act to amend an act entitled an act regulating punishments under the Penitentiary system :

An act to incorporate the town of Van Buren, in the county of De Kalb :

And an act better to secure rents :

Which bills originated in the Senate.

A message by Mr. Clitherali :

Mr. President—The House of Representatives concurs in the amendment proposed by the committee of conference to the bill to reduce the fees of the clerks of the several courts of this State, sheriffs and other officers.

The House also concurs in the amendment of the Senate, to the bill to aid in the establishment of a school for the deaf and dumb, and have amended the same as therein shown.

In which the concurrence of the Senate is requested.

The yeas and nays were demanded, on concurring in the amendment of the House to the amendment of the Senate, to the last named bill :

YEAS—Messrs. Buford, Moores, Oliver, Phillips, Ross, Thornton, Walthall and Watrous.

NAYS—Messrs. President, Baylor, Brindley, Creagh, Dent, Fleming, Hudson, Jones, King, McAllister, McClanahan, McVay, Rodgers, Toulmin and Walker.

So the Senate refused to concur.

Mr. Dent presented the accounts of William Jennings and R. Barker; which were referred to the committee on accounts and claims.

Mr. Oliver, from the committee on education to which was referred a bill to compel commissioners of sixteenth sections to pay over funds received by them, and for other purposes, reported the same back to the Senate and recommended its passage.

Whereupon, the bill was read the third time and passed.

Ordered, that the title remain unchanged.

Mr. Reese presented the account of William C. Morgan; which was referred to the committee on Indian expenditures.

Mr. Ross moved to reconsider the vote taken on this morning, on ordering to a second reading on to morrow, the bill to vest in Martha Mary Ann Moore, certain rights and privileges; which was carried—and on motion, the bill was read the second and third times, and passed.

YEAS—Messrs. Brindley, Buford, Dent, Fleming, Foster, Jones, King, McAllister, McConnell, McVay, Moores, Oliver, Reese, Rodgers, Ross, Toulmin, Walthall and Wilson of J.

NAYS—Messrs. President, Brindley, Creagh, Hudson, McClanahan, Phillips and Thornton.

Ordered, that the title remain unchanged.

Mr. Hudson offered the following resolution—which was adopted:

Resolved, That the House of Representatives be requested to return to the Senate, the bill to be entitled an act making appropriations to Robert Fenner and Robert B. Jones, and for other purposes.

The Senate concurred in the amendments of the House, to the bill for the relief of the purchasers of section sixteen, township thirteen, range eleven, Marion county—and an act for the relief of the purchasers of sixteenth sections.

The Senate then proceeded to the consideration of the bill to regulate the Bank of the State of Alabama, and for other purposes.

Mr. Hudson offered the following amendments, to come in after the word 'run,' in the tenth line of the first section, 'the precise length of which time shall be discretionary with the Board.' And in the eleventh section, after the word 'Bank,' add, 'or either of its Branches;' which amendments were adopted.

Mr. Baylor offered the following amendment: 'And of the interest due on the University fund,' to come in at the tenth section; which was lost.

The yeas and nays were then taken on the passage of the bill:

YEAS—messrs. President, Arrington, Brindley, Buford, Dent, Fleming, Foster, Hudson, Jones, King, McAllister, McConnell, Oliver, Phillips, Rodgers, Toulmin, Thornton, Walthall and Watrous.

NAYS—messrs. Baylor, Creagh, McClanahan, McVay, Moores, Reese, Ross and Wilson of J.

So the bill passed.

Ordered, that the title remain unchanged.

Mr. King moved to take up the resolution of the House, proposing to adjourn *sine die*, on Tuesday, the fourteenth instant—which motion was lost.

Mr. Walthall introduced a bill to be entitled an act in relation to damages upon appeals and writs of error; which was read the first time, the rule dispensed with, and read the second time.

Mr. Hudson moved to amend by inserting "justices" in the fifth line; which was carried.

Mr. Walker offered the following amendment:

"*Provided*, That in no cases, when the party taking the case to the Supreme Court, shall first give bond and good security for the debt and all costs, any law or usage to the contrary notwithstanding."

For the adoption—messrs. King, McClanahan, Phillips, Reese and Walker.

NAYS—messrs. President, Baylor, Brindley, Buford, Creagh, Dent, Fleming, Foster, Hudson, Jones, McAllister, McConnell, McVay, Moores, Oliver, Rodgers, Ross, Thornton, Toulmin, Walthall, Watrous and Wilson of J.

So the amendment was lost.

For the passage of the bill—messrs. President, Brindley, Buford, Dent, Fleming, Foster, Hudson, McAllister, McConnell, McVay, Moores, Rodgers, Ross, Thornton, Toulmin and Walthall.

NAYS—messrs. Baylor, Creagh, Jones, King, McClanahan, Oliver, Reese, Walker, Watrous and Wilson of J.

So the bill passed.

Ordered, that the title remain unchanged.

Mr. Hudson offered joint resolutions directory to the Secretary of State; which were adopted.

Mr. Moores introduced a bill concerning executions, and for other purposes; which was read by its caption, and on motion, the constitutional rule was suspended, and the bill forthwith read the second time.

Mr. President declared the bill to be out of order—because the matter contained in the bill was identical with the contents of a bill rejected at the present session of the General Assembly.

Mr. Moores took an appeal from the decision of the Chair, on the ground that the Chair had no right to decide the bill out of order, it being on its second reading, and consequently in the possession of the Senate.

Those who sustained the decision of the Chair, are messrs. President, King, McClanahan, McVay, Phillips, Reese, Ross and Toulmin.

NAYS—messrs. Baylor, Buford, Creagh, Hudson, Jones, McAllister, Moores, Oliver, Rodgers, Walker, Walthall and Watrous.

On motion, the Senate adjourned until Monday morning, ten o'clock.

MONDAY, February 13th, 1843.

The Senate met pursuant to adjournment.

The minutes of Saturday were read and approved.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed the following bills:

A bill to incorporate the town of Greenville, in the county of Butler, and for other purposes:

A bill to alter the time of holding certain courts therein named.

A bill to amend the law altering the mode of assessing and collecting the taxes in Pike county:

A bill to be entitled, an act in relation to compensation of Bank attorneys:

A bill to be entitled, an act to amend the laws in force, for the creation of a school fund in the county of Mobile:

A bill to be entitled, an act to amend an act, entitled an act to ascertain and fix a suitable site for the permanent location of the court house in Covington county, and for other purposes:

A bill to be entitled, an act to authorize the levying a special tax to build a jail house in the county of Barbour:

A bill to be entitled, an act to amend an act, entitled an act to incorporate the town of Auburn, in the county of Macon:

A bill to be entitled, an act to repeal in part an act, entitled an act for the relief of tales jurors in the county of St. Clair, and other counties, approved December twentieth, one thousand eight hundred and forty-one:

A bill to be entitled, an act for the relief of the tax collector of Dale county, for the year eighteen hundred and forty-one:

In which the concurrence of the Senate is respectfully asked.

Mr. Ross reported that the committee on enrolled bills, have examined and find correctly enrolled, bills of the following titles:

An act to reduce the fees of the clerks of the several courts of this State, sheriffs, and other officers:

An act requiring the tax collector of the county of Benton, to receive county claims in payment of county taxes, and for other purposes:

An act amendatory of the laws in relation to the estates of deceased persons:

An act for the relief of purchasers of sixteenth sections:

An act regulating the appointment of commissioners in certain cases, in the county of De Kalb:

An act to establish a ferry across Old Town creek:

An act to amend the charters of the several incorporated towns and cities of this State:

An act to authorize Robert P. Harrison and his associates to establish a ferry across the Black Warrior river, in the county of Blount:

And, an act in relation to jurors in Walker county:

Mr. Creagh presented the accounts of Nathaniel Terry, A. R. Thomas and James Savage; which were referred to the committee on accounts and claims.

Mr. Hudson, from the committee on accounts and claims, reported that they have examined and find correct, the accounts of White & Snow, V. Hart, William Jennings, and Reese Parker; which were accordingly allowed.

Mr. Phillips, from the committee on the judiciary to which was referred a bill to be entitled an act to sustain the currency, reported the same back to the Senate, and asked to be discharged from the further consideration thereof.

The bill was placed among the orders of the day.

Mr. Moores, from the committee on divorce and alimony, to which was referred a bill to divorce certain persons therein named, reported the same back to the Senate and recommended its passage.

On motion, the bill was read the third time and passed.

Ordered, that title remain unchanged.

For its passage—messrs. President, Arrington, Baylor, Brindley, Buford, Fleming, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Thornton, Walker, Watrous and Wilson of J.

NAYS—messrs. Creagh, Dent and Foster.

Mr. Thornton, from the judiciary committee, to which was referred a bill to be entitled an act to exempt from and after the fourth day of July, one thousand eight hundred and forty-three, real estate not exceeding forty acres from execution, upon contracts thereafter made, reported the same back to the Senate, amended by striking out all after the enacting clause, and inserting in lieu thereof, the following:

That in addition to the property now exempt by law from execution upon all debts hereafter to be contracted, for the use of every family in this State, forty acres of land for the purpose of cultivation, shall be and enure to the use and benefit of permanent and settled families: *Provided, nevertheless*, that the benefit of this act shall not extend to any man or woman, who may be the head of a family or otherwise, if he or she is either unmarried, or without issue lawfully begotten: *And provided further*, that nothing herein contained shall be construed to extend to or embrace any lands within the corporate limits of any town or city in this State.

Sec. 2. *And be it further enacted*, That when any homestead shall be sold by the owner, it shall be subject to the payment of every judgment against him at the time of said sale.

On concurring in the report of the committee:

YEAS—messrs. President, Baylor, Brindley, Buford, Creagh, Dent, Fleming, Foster, Hudson, Jones, King, McAllister, McConnell, McVay, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walthall, Watrous and Wilson of J.

NAYS—messrs. McClanahan and Walker.

So the report of the committee was concurred in, and the amendments adopted.

On motion the bill was read the third time and passed:

For its passage—messrs. President, Baylor, Brindley, Buford, Dent, Fleming, Foster, Hudson, Jones, McAllister, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walthall and Wilson of J.

NAYS—messrs. Creagh, McClanahan, Reese and Walker.

Ordered, that the title remain unchanged.

Mr. Thornton moved to amend the caption of the bill, by striking out after the word "exempt," the words "from and after the fourth of July, one thousand eight hundred and forty-three," and to strike out "thereafter," and insert "hereafter," which was carried.

A message by Mr. Clitherall:

Mr President—The House of Representatives concurs in all the amendments made by the Senate, to the bill to raise a revenue for the support of the State Government, and for other purposes.

The House concurs in the amendment made by the Senate, to the bill in relation to a certain purchase of a part of the sixteenth section, township twenty, range fourteen, west, in Pickens county.

The House concurs in the amendments made by the Senate, to the bill to abolish certain election precincts therein named, and for the establishment of others in lieu thereof, in the counties of Dale and Coffee, and have amended said amendments as therein shown.

The House has passed the following bills which originated in the House:

A bill to make appropriations for the payment of certain claims against the State:

And, joint resolutions on the subject of the assumption of State debts by the General Government, and against the repudiation of State debts.

The House recedes from its second amendment to the bill, to pay certain contracts for teaching common schools, and from its amendment to the bill to divide the State of Alabama into seven congressional districts, according to the white population; which were disagreed to by the Senate.

The House also passed a bill explanatory of an act to raise a revenue for the support of the State Government, and for other purposes, passed February thirteenth, one thousand eight hundred and forty-three.

A bill to be entitled an act for the relief of William R. Bullock and James House, of Sumter county.

A bill to be entitled an act for the relief of Davis E. Gresham and William Joiner:

A bill to be entitled an act for the relief of Thomas Stringer, of Mobile county:

And, a bill for the relief of James M. Young.

The House has also passed a bill from the Senate, for the relief of John Baird, and amended the same as therein shown.

In which the concurrence of the Senate is requested.

Mr. Hudson, from the committee on accounts and claims, to which was referred an engrossed bill from the House of Representatives, to be entitled an act to appropriate to Thomas Bruce a sum of money therein named, reported the same back to the Senate, with the following amendment, and thus amended, recommended its passage:

“Section 2. *And be it further enacted*, That the sums hereinafter mentioned, be and the same are hereby appropriated to the following named persons, to wit:

To William Jennings, jailer of the county of Tuscaloosa, for victualing David Garrison, a State prisoner, confined in said jail, forty dollars:

To Reese Parker, the sum of fifteen dollars, for fuel furnished the present General Assembly:

To V. Hart, the sum of one dollar and fifty cents, for articles furnished for the use of the present General Assembly:

To White & Snow, the sum of sixteen dollars and seventy-five cents, for stationery furnished the present General Assembly:

To Nathaniel Terry, the sum of twenty dollars, for postage paid by him on public documents during the sessions of the General Assembly, one thousand eight hundred and forty-one and two, and one thousand eight hundred and forty-two and three:

To A. R. Thomas, the sum of fifteen dollars, for servant hire during the present session of the General Assembly:

To T. L. Toulmin, the sum of seven dollars, for postage paid by him as chairman of the committee on the State Bank, on public documents:

To James Savage, jailer of Clarke county, the sum of two hundred and forty dollars and fifty cents, for victualling sundry persons confined in said jail.

Which report was concurred in.

On motion, the bill was read the third time, and passed.

Mr. Hudson moved to amend the caption, by striking out from "to" to "money" inclusive, and inserting "making appropriations to certain persons;" which was carried.

Mr. Toulmin, from the select committee, to which was referred an engrossed bill from the House of Representatives, to be entitled an act to incorporate the trustees of the Bishop fund of the Protestant Episcopal Church in the Diocese of Alabama, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

A message by Mr. Harrison:

Mr. President—His Excellency the Governor has approved bills of the following titles, to wit:

An act amendatory of the laws on the subject of divorces:

An act to amend the charter of the Montgomery Rail Road Company, and for other purposes:

An act to regulate suits against the Bank of the State of Alabama or any of the Branches thereof.

An act for the better organization of the board of trustees for the University of Alabama:

An act concerning trustees:

An act for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile:

An act to amend an act entitled an act to authorize guardians of minors, idiots, and lunatics, to receive and remove from the State, any property to which said ward may be entitled, when both guardian and ward reside out of the State, or to remove the same from one county to another in this State, approved February second, one thousand eight hundred and thirty-nine:

An act to reduce the fees of the clerks of the several courts of this State, sheriffs, and other officers:

An act for the relief of the purchasers of sixteenth section, township eighteen, range five, east, in the Coosa land district:

An act amendatory of the laws in relation to the estates of deceased persons:

An act requiring the tax collector of Benton county to receive claims in the payment taxes, and for other purposes:

Which bills originated in the Senate.

Mr. Buford introduced a bill to be entitled an act to permit Bank debts to be extended in certain cases, with new security, and in relation to rules against sheriffs; which was read the first time, the constitutional rule dispensed with, and read the second time.

Mr. Toulmin moved to amend, by an additional section; which was adopted.

On motion, the constitutional rule was further dispensed with, and the bill read the third time, and passed.

Ordered, that the title remain unchanged.

Mr. Hudson, from the select committee, to which was referred joint resolutions in regard to the expense account of the Bank of the State of Alabama and its Branches, reported the same back to the Senate, with the following amendment:

“And no debt contracted by the Branch Bank at Mobile, since the meeting of the present General Assembly shall be extended: and all allowances and appropriations made by said Branch Bank since the time last aforesaid, are hereby declared illegal, and the Governor shall order suit to be instituted for the recovery of such allowances or appropriations.”

Which report was concurred in.

On motion, the joint resolution was read the third time, and passed.

Ordered, that the title remain unchanged.

Mr. Hudson offered the following resolution:

Resolved by the Senate, That the committee on State Printing be instructed to have one thousand copies of the captions of the acts passed at the present session of the Legislature, printed for the use of the Senate.

On motion, the number was changed to two thousand.

Which was adopted:

Mr. Baylor, from the committee on education, to which was referred a bill to be entitled an act to provide for the University fund of the State of Alabama, reported that it is inexpedient to pass the bill; which report was concurred in.

Mr. Buford introduced a bill to be entitled an act to secure Bank debts; which was read the first time.

Mr. Terry moved its indefinite postponement, and called for the ayes and noes:

YEAS—messrs President, Creagh, Dent, Fleming, Foster, Jones, McAllister, McVay, Moores, Rodgers, Thornton, Walker, Waltham, Watrous and Wilson of J.

NAYS—messrs. Arrington, Baylor, Brindley, Buford, Hudson, McClanahan, McConnell, Oliver, Reese and Ross.

So the bill was indefinitely postponed.

Mr. Wilson of J. moved to take up the resolution of the House pro-

posing to adjourn *sine die*, on Tuesday the fourteenth instant, and called for the yeas and nays:

YEAS—messrs. Brindley, Creagh, King, McClanahan, Phillips, Rodgers, Toulmin and Wilson of J.

NAYS—messrs. President, Arrington, Baylor, Buford, Dent, Fleming, Foster, Hudson, Jones, McAllister, McConnell, McVay, Moores, Oliver, Reese, Ross, Thornton, Walker, Walthall and Watrous.

So the Senate refused to take up the resolution.

Message, by Mr. Clitherall:

Mr. President—The House of Representatives has passed the following bills:

A bill to repeal in part a certain act therein named:

A bill to repeal in part an act for the relief of William Jones of Walker county, and the decedents of Joseph Elliott of Jackson county, passed January seventh, eighteen hundred and twenty-eight:

A bill to incorporate the Pleasant Ridge Male and Female Academy, in Wilcox county:

A bill to incorporate the Congregation of Israelites of Shara Shahuayen, in the city of Mobile.

A bill to fix, regulate and reduce the fees and salaries of certain officers therein named:

A bill for the relief of Henry Lawrence:

A bill to require an extra term of the Chancery court of Sumter county—from the Senate:

Also a bill from the Senate to enable Thomas S. Tate to receive a certain estate.

The House concurs in the amendment of the Senate to the bill amendatory of an act for the better regulation of the State printing and altering the mode of paying for the same.

The House has passed a bill to attach a part of Pickens to the county of Greene:

A bill for the relief of the tax collector of Covington county:

In which the concurrence of the Senate is asked.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act to sustain the currency.

Mr. Buford offered an amendment as a substitute for the bill—strike out all after the enacting clause and insert the substitute offered.

Mr. Wilson of J. moved to lay upon the table:

YEAS—messrs. President, Baylor, Creagh, Hudson, King, McClanahan, McVay, Reese, Thornton, Toulmin, Walker and Wilson of J.

NAYS—messrs. Brindley, Buford, Dent, Fleming, Foster, Jones, McAllister, Moores, Oliver, Phillips, Rodgers, Ross, Walthall and Watrous.

So Mr. Wilson's motion was lost.

The question on concurring in the amendment was lost.

Mr. Hudson moved the indefinite postponement of the bill.

For the postponement—messrs. President, Arrington, Baylor, Creagh, Fleming, Hudson, Jones, King, McAllister, McClanahan, McVay, Phillips, Reese, Thornton, Toulmin, Walker, Watrous and Wilson of J.

NAYS—messrs. Brindley, Buford, Dent, Foster, McConnell, Moores, Oliver, Rodgers, Ross and Walthall.

So the bill was indefinitely postponed.

Bills of the following titles, were severally read the third time and passed :

A bill to be entitled an act for the benefit of defendants in execution, was read the third time and passed.

For the passage—Messrs Arrington, Baylor, Brindley, Buford, Foster, Hudson, Jones, McAllister, McConnell, Moores, Oliver, Rodgers, Ross, Thornton, Walthall, Watrous and Wilson of J.

NAYS—Messrs. President, Creagh, Dent, Fleming, King, McClanahan, McVay, Phillips, Reese, Toulmin and Walker.

A bill to be entitled an act to increase the county tax in Marengo county, was read the third time and passed :

A bill to amend the road laws, so far as relates to the county of Marengo :

A bill to establish and abolish certain election precincts, and for other purposes.

Ordered, that the titles remain unchanged.

A bill to be entitled an act concerning executions, and for other purposes, was read the second time.

Mr. Phillips moved to lay the bill on the table :

YEAS—messrs. President, Creagh, King, McClanahan, Phillips, Reese, Thornton, Toulmin and Walker.

NAYS—messrs. Arrington, Baylor, Brindley, Buford, Dent, Fleming, Foster, Hudson, Jones, McAllister, McConnell, McVay, Moores, Oliver, Rodgers, Ross, Walthall, Watrous and Wilson of J.

So the Senate refused to lay the bill upon the table.

Mr. Buford offered an amendment, by way of substitute ; which was lost.

Mr. Moores moved to suspend the rule :

YEAS—messrs. Brindley, Buford, Dent, Foster, Hudson, Jones, McConnell, Moores, Oliver, Rodgers, Ross, Walthall, Watrous and Wilson of J.

NAYS—messrs. Baylor, Creagh, Fleming, King, McClanahan, McVay, Phillips, Reese, Thornton and Toulmin.

The bill was then ordered to be engrossed for a third reading :

YEAS—messrs. Arrington, Brindley, Dent, Foster, Hudson, Jones, McAllister, McConnell, Moores, Rodgers, Ross, Walthall and Wilson of J.

NAYS—Messrs. President, Buford, Creagh, King, McClanahan, McVay, Phillips, Reese, Thornton, Toulmin and Walker.

A bill to incorporate the trustees of the Bishop's fund of the Protestant Episcopal Church, in the Diocese of Alabama, was read the third time.

For the passage—Messrs. Buford, Dent, Fleming, Moores, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin and Walthall.

NAYS—Messrs. President, Arrington, Baylor, Brindley, Creagh, Foster, Hudson, Jones, King, McAllister, McClanahan, McVay, Walker, Watrous and Wilson of J.

So the bill was lost.

A bill to be entitled an act to amend the law altering the mode of assessing and collecting the taxes in Pike county, was read the first time, and the constitutional rule being dispensed with, was read the second and third times forthwith, and passed.

Ordered, that the title remain unchanged.

The question was then taken on concurring in the disagreement of the House to the amendments of the Senate, to the bill to regulate the Bank of the State of Alabama, and for other purposes.

Mr. Fleming moved to disagree to the first amendment of the House to the amendment of the Senate, striking out the proviso in the first amendment of the Senate :

YEAS—Messrs. President, Arrington, Baylor, Brindley, Buford, Dent, Fleming, Foster, Hudson, Jones, McClanahan, McConnell, McVay, Moores, Oliver, Rodgers, Ross, Thornton and Walthall.

NAYS—Messrs. Creagh, King, McAllister, Phillips, Toulmin, Walker, Watrous and Wilson of J.

So the Senate insists on its amendment.

The question was then taken on disagreeing to the amendment of the House, to the second amendment of the Senate :

YEAS—Messrs. President, Arrington, Baylor, Brindley, Dent, Fleming, Hudson, Jones, McConnell, McVay, Moores, Rodgers, Ross, Thornton and Watrous.

NAYS—Messrs. Buford, Creagh, Foster, King, McAllister, McClanahan, Oliver, Phillips, Toulmin, Walker and Wilson of J.

So the Senate insists on its second amendment. The Senate also insists on its third and fourth amendments.

On motion of Mr. Walthall, Messrs. Walthall, Hudson, Fleming, Thornton and Moores, were appointed a committee of conference on the part of the Senate, on the subject of the disagreement.

Mr. Ross reported that the committee on enrolled bills have examined, and find correctly enrolled, an act to set apart from the State Bank, a sum to defray the expenses of the Penitentiary for the present year:

An act to change the times of holding the county courts of St. Clair, Madison and Tuscaloosa counties :

An act to provide a special tax for Marshall county :

An act to repeal, in part, an act in relation to sixteenth sections :

An act for the relief of Sally C. Gunn :

An act to change the time of holding the terms of the county court of Greene county :

An act concerning chancery practice :

An act to regulate the selection of grand and petit jurors :

An act to extend the jurisdiction of county courts, in certain cases :

An act to authorize the commissioners' court of Greene county to erect a jail in Grecksborough, for the safe keeping of slaves levied under execution :

An act regulating the appointment of a brigade drill officer in each brigade :

An act to change the time for holding the county court of Marengo county :

An act to extend the time for collecting the taxes of Walker county, for the years eighteen hundred and forty and eighteen hundred and forty-one :

An act to divorce Mary T. Judson, from her husband, Lewis Judson :

An act to repeal, in part, a certain act therein named, so far as the sixth section thereof relates to the county of Pickens :

An act to authorize the commissioners' court of roads and revenue of the county of Tallapoosa, to levy a special tax for certain purposes :

An act in relation to a certain purchase of a part of the sixteenth section, in township twenty, range fourteen, west, in Pickens county :

Joint resolutions to extend the time of payment to the purchasers of sixteenth sections, and indebtedness to sixteenth section loans :

Joint resolutions directory to the Secretary of State :

An act to authorize the commissioners of township one, range ten, west, to do certain acts therein named :

An act to provide a fund, and to make appropriations to defray the expenses of the present General Assembly, and for the civil list, for the year eighteen hundred and forty-three :

An act to divide the State of Alabama into seven Congressional districts, according to the white population :

An act to pay certain contracts for teaching common schools :

An act to enable Thomas S. Tate to remove a certain estate, &c :

An act to change the county courts of Limestone county :

An act to reduce the number of company musters, required by law to be holden, and prescribe the manner of holding company courts martial :

An act to extend the provisions of an act therein named, to the county of Blount :

An act to change the names of certain persons therein named :

An act for the relief of Adaline R. Deavreux :

An act for the relief of Howell E. Chitty :

Joint resolutions in relation to the salt wells and salt springs belonging to the State of Alabama :

An act for the relief of the legal representatives of Jesse B. Phillips, deceased :

An act declaring the Chattooga river a public highway, and the better to secure the health of Cherokee county :

An act to repeal a part of an act therein named, and for other purposes :

An act to require the county officers of Marshall county to receive certain claims therein named :

An act in relation to the settlement of the accounts of executors, administrators and guardians :

An act for the improvement of the river Noxubee :

An act in relation to the public roads in the county of Wilcox :

An act to change the time of holding certain chancery courts in the southern chancery division :

An act to divorce certain persons therein named :

Joint resolutions to authorize the Bank of the State of Alabama, and its several Branches, to issue small Bank notes in exchange for larger Bank notes :

An act to authorize the judge of the county court and commissioners of roads and revenue of certain counties, to levy an extra tax for the purpose of paying county debts:

An act to authorize Franklin Fortner to erect a toll bridge across the Big Warrior river:

An act to vest in Martha Mary Ann Moore, wife of J. S. Moore, certain rights and privileges therein named, and for other purposes:

And, an act to raise a revenue for the support of the State Government, and for other purposes.

A message, by Mr. Clitherall:

Mr. President—The House has passed the bill from the Senate to confirm the emancipation of a certain slave therein named:

The House has passed the following bill, which originated in the House—a bill to be entitled an act to provide for the distribution of certain documents among the several counties of this State:

The House disagrees to the amendments made by the Senate, to the joint resolution to change the Constitution so as to legalize biennial sessions of the Legislature, and reduce the number of members thereof:

The House concurs in the amendments made by the Senate, to the bill to authorize the commissioners' court of Butler county to levy an additional tax:

Also, in the amendments made by the Senate, to the bill to appropriate to Thomas Bruce, a sum of money therein named:

The House insists on its amendment to the first amendment, and adheres to its disagreement to the other amendments of the Senate, to the bill to regulate the Bank of the State of Alabama; and has appointed messrs. Campbell, Morrisett, Bridges, Jackson and Barron, a committee of conference on the part of the House, to act with the committee appointed by the Senate.

Whereupon, the Senate added to its committee, messrs. Thornton and Moores.

Mr. Hudson offered the following resolution:

Resolved, That the House of Representatives be respectfully requested to return to the Senate, a bill to be entitled an act to exempt real estate not exceeding forty acres from execution, upon contracts hereafter made.

Which was adopted.

The following bills from the House, were then severally read the first time,—and on motion, the constitutional rule being dispensed with, were forthwith read the second and third times, and passed:

A bill to be entitled an act to make appropriations for the payment of certain claims against the State:

A bill to be entitled an act to alter times of holding certain courts therein named:

A bill to be entitled an act to incorporate the town of Greenville, in the county of Butler, and for other purposes—

The Senate concurs in the amendment of the House, to strike out the words "debts contracted," and insert "original notes or bills of exchange discounted or purchased," to the amendment of the Senate.

The bill passed:

A bill to be entitled an act for the relief of the tax collector of Dale county, for the year eighteen hundred and forty-one:

A bill to be entitled an act to repeal in part an act entitled, an act for the relief of tales jurors in the county of St. Clair and other counties, approved December twenty, eighteen hundred and forty-one:

A bill to be entitled an act to amend an act entitled, an act to incorporate the town of Auburn, in the county of Macon:

A bill to be entitled an act to authorize the levying of a special tax to build a jail house in the county of Barbour:

A bill to be entitled an act to amend an act entitled, an act to ascertain and fix a suitable site for the permanent location of the court house in Covington county, and for other purposes:

A bill to be entitled an act to amend the laws in force for the creation of a school fund in the county of Mobile:

A bill to be entitled an act explanatory of an act to raise a revenue for the support of the State Government, and for other purposes, passed thirteenth February, eighteen hundred and forty-three:

A bill to be entitled an act to abolish certain election precincts therein named, and for the establishment of others in lieu thereof, in the counties of Dale and Coffee. The amendment of the House to strike out all that relates to Jack's Spring, in Baldwin county, was concurred in:

A bill to be entitled an act for the relief of Thomas Stringer—

For the passage—messrs. President, Buford, Creagh, Jones, McConnell, Moores, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Walker, and Walthall.

NAYS—messrs. Arrington, Baylor, Brindley, Dent, Fleming, Hudson, King, McClanahan, McVay, Watrous, and Wilson of J.

A bill to be entitled an act for the relief of John Baird—

The Senate concurs in the amendment of the House, to insert after the word "Baldwin" in the proviso, "Greene, Jefferson, Dallas, Benton, Fayette, Barbour, Franklin, Marion, Pike, Blount, Chambers, Tuscaloosa, St. Clair, Shelby, Marengo, Conecuh, Covington, Montgomery, Perry."

A bill to be entitled an act for the relief of Davis E. Gresham and William Joiner:

A bill to be entitled an act for the relief of W. R. Bullock and James Haise, of Sumter county:

A bill to be entitled an act to incorporate the Pleasant Ridge Male and Female Academy, in Wilcox county:

A bill to be entitled an act to repeal in part a certain act therein named:

A bill to be entitled an act to repeal in part an act for the relief of William Jones, of Walker county, and the descendants of Joseph Elliott, of Jackson county, passed January seventh, eighteen hundred and twenty-eight:

A bill to be entitled an act to fix, regulate and reduce the fees and salaries of certain officers therein named:

A bill to be entitled an act to attach a part of the county of Pickens to the county of Greene:

A bill to be entitled an act for the relief of the tax collector of Covington county:

A bill to be entitled an act to incorporate the Congregation of Israelites of Shara Shahmayen, in the city of Mobile, was read the first time—

Mr. McClanahan moved that the bill be indefinitely postponed; which was carried:

A bill to be entitled an act to provide for the distribution of certain documents among the several counties of this State:

Joint memorial and resolutions in regard to the Muscle Shoals' canal, in the county of Lauderdale—

For its passage—messrs. President, Arrington, Baylor, Buford, Creagh, Dent, Foster, Jones, McClanahan, McConnell, McVay, Oliver, Rodgers, Toulmin and Wilson of J.

NAYS—messrs. Hudson, King, Phillips, Reese, and Ross.

Ordered, that the title remain unchanged.

The Senate insists upon its amendments to joint resolutions, proposing a change in the Constitution of the State of Alabama, so as to legalize biennial sessions of the Legislature, and reduce the number of the members thereof.

Leave was granted to Mr. Reese to withdraw the account of W. C. Morgan.

A bill to be entitled an act in relation to bank attorneys, was read the first time.

On suspending the constitutional rule—

YEAS—messrs. Brindley, Buford, Creagh, Hudson, Jones, King, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Walker and Walthall.

NAYS—messrs. President, Baylor, Dent, Fleming, McVay, Moores, Rodgers, Watrous, and Wilson of J.

The bill was then ordered to a second reading on to-morrow.

Joint resolutions on the subject of the assumption of State Debts by the General Government, and against repudiation of State Debts.

Mr. Buford moved to amend, by striking out all after "whereas," and insert a substitute.

Mr. Terry moved to postpone the substitute indefinitely:

YEAS—messrs. President, Baylor, Brindley, Creagh, Fleming, Hudson, Jones, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walker, Walthall and Wilson of J.

NAYS—messrs. Arrington, Buford, Dent, Moores, Oliver, Phillips, Reese, Ross, Thornton and Watrous.

So Mr. Buford's substitute was indefinitely postponed.

The yeas and nays being taken on the adoption of the first resolution they stood thus:

YEAS—messrs. President, Baylor, Brindley, Creagh, Dent, Fleming, Hudson, Jones, McClanahan, McConnell, McVay, Rodgers, Ross, Toulmin, Walker, Walthall and Wilson of J.

NAYS—messrs. Arrington, Buford, Moores, Oliver, Phillips and Thornton.

Mr. Creagh moved to amend, by striking out "fully," in the second line, first resolution—which was lost.

So the first resolution was adopted.

The yeas and nays being taken on the second resolution—

YEAS—messrs. President, Baylor, Brindley, Buford, Creagh, Dent, Fleming, Foster, Hudson, Jones, McClanahan, McConnell, McVay, Rodgers, Ross, Toulmin, Walker, Walthall and Wilson of J.

NAYS—messrs. Arrington, Moores, Oliver, Phillips and Thornton.

So the second resolution was then adopted.

The yeas and nays were then taken on the third resolution:

YEAS—messrs. President, Baylor, Brindley, Creagh, Fleming, Foster, Hudson, Jones, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walker, Walthall and Wilson of J.

NAYS—messrs. Buford, Dent, Moores, Oliver, Phillips, Ross, and Thornton.

Mr. Buford moved to amend the third resolution by striking out the words "Congress directly or indirectly would," and insert in lieu thereof "by the General Government by treaty if necessary would not."

YEAS—messrs. Buford, Dent, Moores, Oliver, Phillips, Ross and Thornton.

NAYS—messrs. President, Baylor, Brindley, Creagh, Fleming, Foster, Hudson, Jones, McClanahan, McVay, Rodgers, Toulmin, Walker, and Wilson of J.

So Mr. Buford's amendment was lost, and the third resolution was adopted.

The yeas and nays were then taken on the adoption of the fourth resolution:

YEAS—messrs. President, Baylor, Brindley, Creagh, Dent, Fleming, Foster, Hudson, Jones, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walker, Walthall and Wilson of J.

NAYS—messrs. Buford, Moores, Oliver, Phillips and Ross.

So the fourth resolution was adopted.

The fifth resolution and preamble were then adopted.

A bill to be entitled an act for the relief of James M. Young, was read the first time, and the constitutional rule being dispensed with, it was read the second time, and ordered to a third reading.

A message from the House, by Mr. Clitherall:

Mr. President—The House of Representatives has passed the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives, on to-morrow, (Tuesday,) at eleven o'clock, A. M., for the purpose of electing ten Trustees for the University of Alabama, and a State printer.

On motion, the consideration of the resolution was postponed until ten o'clock, to-morrow morning.

On motion, the Senate then adjourned until seven o'clock, this evening.

MONDAY EVENING.

The Senate, pursuant to adjournment, met.

Mr. Ross reported that the committee on enrolled bills have exam

ined, and find correctly enrolled, an act to increase the tax in Marengo county :

An act to divorce certain persons therein named :

An act to compel commissioners of sixteenth sections to pay over funds received by them, and for other purposes :

An act to amend the road laws, so far as relate to the county of Marengo :

An act to charter and incorporate the members of Mobile Lodge, Number Two, of the Independent Order of Odd Fellows, in the city of Mobile :

An act to authorize the judge of the county court, and commissioners of roads and revenue, of Morgan county, to levy a special tax :

An act to incorporate the town of Tuskegee, in the county of Macon :

An act amendatory of an act entitled an act for the better regulation of the State printing, and altering the mode of paying for the same :

An act to require an extra term of the chancery court to be held for Sumter county :

An act for the relief of Henry Lawrence :

And an act to confirm the emancipation of a certain slave therein named.

Mr. Creagh moved to take from the table, joint resolutions in relation to a protective tariff.

Mr. Wilson of J. moved to postpone the consideration of the resolutions until ten o'clock, to-morrow :

YEAS—messrs. Brindley, Dent, Hudson, King, McClanahan, Moores, Oliver, Phillips, Reese, Thornton, Toulmin, Walthall, Watrous and Wilson of J.

NAYS—messrs. President, Creagh, Fleming, Jones, McConnell, McVay, Rodgers and Ross.

So the resolutions were postponed until to-morrow, ten o'clock.

Mr. Phillips moved to take from the table the resolution of the House to adjourn *sine die*.

On motion, the resolution was postponed until to-morrow, twelve o'clock :

YEAS—messrs. President, Baylor, Dent, Fleming, Hudson, Jones, McAllister, McConnell, McVay, Moores, Oliver, Rodgers, Ross, Thornton, Walthall, and Watrous.

NAYS—messrs. Brindley, Creagh, King, McClanahan, Phillips, Reese, Toulmin and Wilson of J.

So the resolution was postponed until to-morrow, twelve o'clock.

Message by Mr. Harrison:

Mr. President—His Excellency, the Governor, has approved the following bills:

An act to divide the State of Alabama into seven Congressional districts:

An act concerning the office of Russell county and circuit courts:

An act for the relief of Thomas H. Wiley :

An act to add a part of Monroe to Clarke county:

An act to enable Thomas S. Tate to remove a certain estate:

An act for paying certain claims for teaching common schools:

Which bills originated in the Senate.

Message by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill, which originated in the House of Representatives, to be entitled an act, to regulate the collecting taxes in Macon county:

The House disagrees to the amendment made by the Senate, to the bill to exempt forty acres of land from execution, from and after the fourth day of July, eighteen hundred and forty-three.

Mr. McConnell moved that the Senate recede from its amendment:

YEAS—Messrs. Baylor, Brindley, Buford, McAllister, McConnell, Oliver, and Wilson of J.

NAYS—Messrs. President, Creagh, Dent, Fleming, Hudson, Jones, King, McClanahan, McVay, Moores, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Walthall, and Watrous.

So the Senate adheres to its amendment, and appointed messrs. Jones, Walthall, Hudson, McConnell and Dent, a committee of conference.

Message by Mr. Clitherall:

Mr. President—The House has passed a bill to rescind the contract of sale of section sixteen, of township thirteen, range twenty-seven, in Barbour county, with the consent of the purchasers or present holders of the certificate of purchase.

The bill was read, and on motion, laid on the table.

Mr. Terry moved to reconsider the vote on the passage of the bill to incorporate the trustees of the Bishop fund of the Protestant Episcopal Church, in the Diocese of Alabama.

On reconsidering, the yeas and nays stood thus:

YEAS—messrs. President, Baylor, Buford, Dent, Fleming, Moores, Oliver, Phillips Reese, Rodgers, Ross, Thornton, Toulmin and Walthall.

NAYS—messrs. Brindley, Creagh, Hudson, Jones, King, McClanahan, McVay, Watrous and Wilson of J.

So the Senate agreed to reconsider.

Mr. Hudson offered the following amendment, by way of engrossed ryder:

“Provided, that nothing in this act shall be so construed as to prohibit the legislature from altering, amending, or repealing this act, when they may deem it necessary.”

Which was adopted.

For the passage—messrs. Buford, Fleming, Moores, Reese, Ross, Thornton, Toulmin and Walthall.

NAYS—messrs. President, Baylor, Brindley, Creagh, Dent, Hudson, Jones, King, McClanahan, McVay, Oliver, Rodgers, Watrous and Wilson of J.

So the bill was lost.

Message by Mr. Clitherall:

Mr. President—The House disagrees to the amendment made by the Senate, to the bill to run and mark the line between the counties of Shelby and Jefferson.

Mr. Baylor moved that the Senate recede from their amendment; which was refused.

So the Senate adheres to their amendment.

A bill to be entitled an act, to regulate the collecting of taxes in Macon county, was read the first time, on motion, the constitutional rule was suspended, and read the second time.

On motion of Mr. Hudson, the bill was laid on the table.

On motion, the Senate adjourned until to-morrow morning, ten o'clock.

TUESDAY, February 14, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday was read and approved.

Mr. Ross reported that the committee on enrolled bills, have examined and find correctly enrolled:—An act for the relief of John Baird.

The resolution of the House proposing to go into the election of certain officers at eleven o'clock to-day, was then taken up.

Mr. Dent moved to strike out "eleven" and insert "three," which was lost, and the further consideration postponed till three o'clock, this afternoon.

Mr. Buford introduced a bill to be entitled an act to incorporate the Alabama Military and Scientific Institution; which was read the first time, on motion, the constitutional rule was suspended, and the bill forthwith read the second and third times and passed.

Ordered, that the title remain unchanged.

Mr. Moores asked leave to withdraw from the table, for the use of the Cashier of the State Bank, a certain document in relation to the State Bank: which was granted.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill from the Senate, to authorize the loan of a portion of the two per cent. fund to the Montgomery and West Point Rail Road Company, and has amended the same as therein shewn.

The amendments of the House were concurred in.

The Senate then proceeded to the consideration of the orders of the day.

A bill in relation to compensation of Bank attorneys, was read the second time.

Mr. Walker moved to suspend the constitutional rule, for the purpose of giving the bill a third reading forthwith; which was refused.

The bill was then ordered to a third reading on to morrow.

A bill for the relief of James M. Young, was read the third time and passed.

Ordered, that the title remain unchanged.

A bill concerning executions, and for other purposes, was read the third time and passed.

For its passage—messrs. Brindley, Dent, Foster, Hudson, Jones, McAllister, McConnell, Rodgers, Ross, Walthall and Wilson of J.

NAYS—messrs. President, Baylor, Creagh, King, McClanahan, McVay, Thornton, Toulmin and Walker.

Ordered, that the title remain unchanged.

This completed the orders of the day.

A message from the House, by Mr. Clitherall:

Mr. President—The House has passed bills from the Senate, of the following titles:

A bill to incorporate the Alabama Military and Scientific Institution:

A bill to confer certain powers upon the mayor of the city of Tuscaloosa:

A bill entitled an act to confirm the emancipation of certain slaves therein named:

The House concurs in the amendments made by the Senate to the following bills:

A bill to exempt certain property therein named from execution, in the several counties in this State:

A bill to fix the compensation of the judge of the county court of Mobile county:

A bill to alter the laws now in force, relating to a change of venue.

The House has also passed a bill to divorce Thomas Downing from his wife Sarah Downing:

Also, bills from the Senate of the following titles:

An act to provide for the election of tax collectors, for the counties of Cherokee and De Kalb:

An act to change the direction of the tax fees, on suits at the instance of the Banks of this State:

An act to incorporate the Mobile Navigation and Insurance Company:

An act for the relief of John B. Herron:

An act to incorporate the Fire Department Association of Mobile:

An act to require the county officers of Marshall county, to receive certain claims therein named:

An act for the relief of Ellison Warren:

An act to make uniform the time of holding the commissioners court in the county of Pickens:

An act to authorize Alexander White, administrator, and Sarah White, administratrix, of John White, deceased, to dispose of so much of the real estate of which said John White died seized, as shall be sufficient to discharge the debts of said estate:

An act to incorporate the trustees of Carrollton Academy, in the county of Pickens:

An act to establish lost records in Henry county—amended as therein shown:

Joint resolutions directory to the Secretary of State.

The House concurs in the amendment of the Senate, to the bill in relation to election precincts.

The Senate concurs in the amendments made by the House, to the bill of the Senate, entitled an act to establish lost records in Henry county.

A bill to divorce Thomas Downing, from his wife Sarah Downing, was read the first time.

On motion, the constitutional rule was suspended, and the bill read the second and third times forthwith, and passed.

For the passage—Messrs. President, Baylor, Brindley, Buford, Fleming, Hudson, Jones, King, McAllister, McClanahan, McConnell, McVay, Moores, Rodgers, Ross, Thornton, Toulmin, Walker, Watrous and Wilson of J.

NAYS—messrs. Creagh, Dent and Foster.

Ordered, that the title remain unchanged.

Joint resolutions of the Senate and House of Representatives of the State of Alabama, in General Assembly convened, in answer to a communication from the State of South Carolina, in relation to the controversy between New York and Virginia, respecting the felonious taking and carrying a certain slave from Virginia to New York, and the refusal of the constituted authorities of New York to surrender the felons, in pursuance of the Constitution and laws of the United States, to the civil authorities of Virginia, upon demand—were unanimously passed.

A message by Mr. Clitherall:

Mr. President—I am instructed to invite your honorable body into the Hall of the House of Representatives, for the purpose of electing ten Trustees of the University of Alabama, and a State Printer.

Whereupon the Senate repaired to the hall of the House, and Mr. President announced the object of their assembling.

The two Houses proceeded to the election of a Trustee for the first Judicial Circuit:

Mr. E. D. King, being alone in nomination, and receiving ninety-one votes, Mr. President declared him duly and constitutionally elected a Trustee of the University of Alabama, for and during the time prescribed by the Constitution.

The two Houses then proceeded to elect a Trustee for the second Judicial Circuit:

Daniel H. Norwood and *James A. Tate* were put in nomination.

Those who voted for *Mr. Tate*, are messrs. President, Brindley, Buford, Creagh, Fleming, Foster, McAllister, McClanahan, McVay, Rodgers, Ross, Toulmin and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Barclay, Bishop, Bothwell, Bridges, Clay, Cochran, Dear, Dortch, Dubose, Findley, Fowler, Garland, Harrison, Hill, Hubbard, Jackson, Jones of Con. Jones of Cov. Kennedy of M. Kidd, Martin, McClung, McLemore, Meriwether, Morrison, Mundy, Norman, Oliver, Pickett, Rice, Richeson, Smith of P. Tate, Turner, and Williams of P. of the House.

Those who voted for *Mr. Norwood*, are messrs. Dent, Hudson, Jones, King, McConnell, Moores, Oliver, Phillips, Thornton, Walker, Wal-
thall and Watrous of the Senate; and messrs. Banks, Barron, Caffey, Crowder, Douglass, Dunn, Earle, English, Erwin, Fletcher, Gasque, Hendrix, Jones of G. Kendrick, Kennedy of L. Miree, Morgan of A. Norris, Pettit, Porter, Robinson, Roby, Skipper, Smith of T. Storrs, Valliant, Walker, Ware, Watts, Whorton, Witherspoon and Woodward of the House.

Mr. Tate having receiving a majority of all the votes cast, was declared duly and constitutionally elected a Trustee of the University of

Alabama, from the second Judicial Circuit, for and during the term prescribed by law.

The two Houses then proceeded to the election of two Trustees for the University of the State of Alabama, from the third Judicial Circuit:

Hon. Walker K. Baylor, Benjamin F. Porter and D. P. Bestor, being put in nomination.

Mr. Baylor received sixty-three votes—*Mr. Porter* ninety-four—and *Mr. Bestor* forty-one.

Those who voted for *Mr. Baylor*, are messrs. President, Buford, Creagh, Fleming, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Walker, Walthall and Wilson of J. of the Senate; and messrs. Abernathy, Barclay, Bishop, Bothwell, Bridges, Caffey, Campbell, Clay, Cochran, Cooper, Dortch, Douglass, Dubose, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hubbard, Jackson, Jones of Cov. Kennedy of L. Kennedy of M. Martin, McMillion, Meriwether, Morgan of A. Mundy, Murphey, Norman, Pettit, Rice, Richeson, Robinson, Scott, Skipper, Smith of P. Smith of T. Tate, Turner, Valliant, Walker, Whorton and Winston of S. of the House.

Those who voted for *Mr. Bestor*, are messrs. Creagh, Jones, King, McClanahan, Moores, Oliver, Phillips, Ross, Thornton, Toulmin, Walthall and Watrous of the Senate; and messrs. Speaker, Abernathy, Banks, Barron, Clay, Crowder, Dear, Dunn, Harris, Hill, Jones of Conecuh, Jones of G. Kendrick, Kidd, McClung, Miree, Morrisett, Morrison, Norris, Oliver, Pickett, Roby, Storrs, Ware, Watts, Williams of P. Witherspoon and Woodward of the House.

Those who voted for *Mr. Porter*, are messrs. President, Buford, Dent, Fleming, Foster, Hudson, Jones, King, McAllister, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Walker, Walthall, Watrous and Wilson of J. of the Senate; and messrs. Speaker, Banks, Barclay, Barron, Bishop, Bothwell, Bridges, Caffey, Campbell, Cochran, Cooper, Crowder, Dear, Dortch, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harris, Harrison, Hendrix, Hill, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Martin, McClung, McMillion, Meriwether, Miree, Morgan of A. Morrisett, Morrison, Mundy, Murphey, Norman, Norris, Oliver, Pettit, Pickett, Rice, Richeson, Robinson, Roby, Scott, Skipper, Smith of P. Smith of T. Storrs, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, Williams of P. Winston of S. Witherspoon and Woodward, of the House.

Messrs. Baylor and Porter having severally received the highest vote, and a majority of all the votes cast, were declared duly and constitutionally elected Trustees of the University of Alabama from the third Judicial Circuit, for and during the time prescribed by law.

The two Houses then proceeded to the election of a Trustee for the University of Alabama from the fourth Judicial Circuit:

Henry W. McVay and Francis Roby, being in nomination.

Mr. Roby received fifty-three votes, and *Mr. McVay* thirty-six.

Those who voted for *Mr. McVay*, are messrs. President, Brindley, Buford, Creagh, Dent, Foster, Hudson, Jones, King, McAllister, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Toulmin, Walthall, Watrous and Wilson of J. of the Senate; and messrs. Abernathy, Barron, Bridges, Dear, Douglass, Dubose, Dunn, Fletcher, Gasque, Jones of Cov. Kennedy of M. Mundy, Richeson, Smith of P. Witherspoon and Woodward of the House.

Those who voted for *Mr. Roby*, are messrs. McClanahan, McConnell and Walker of the Senate; Messrs. Banks, Barclay, Bishop, Bothwell, Bridges, Campbell, Clay, Cochran, Cooper, Crowder, Dortch, Earle, English, Erwin, Findley, Fowler, Harris, Harrison, Hendrix, Hill, Hubbard, Jackson, Jones of Conecuh, Jones of G. Kendrick, Kidd, Martin, McClung, McMillion, Miree, Morgan of A. Morrison, Murphey, Norris, Oliver, Pettit, Pickett, Rice, Robinson, Skipper, Smith of T. Storrs, Tate, Turner, Valliant, Walker, Ware, Watts, Whorton, and Williams of P. of the House.

Mr. Roby having received a majority of all the votes given, was declared duly and constitutionally elected a Trustee of the University of Alabama from the fourth Judicial Circuit, for and during the time prescribed by law.

The two Houses next proceeded to the election of a Trustee for the University of Alabama from the fifth Judicial Circuit:

Robert T. Scott, being alone in nomination, and receiving eighty-eight votes, was declared by Mr. Speaker, duly and constitutionally elected a Trustee of the University of Alabama, from the fifth Judicial Circuit, for and during the term prescribed by law.

The two Houses then proceeded to the election of a Trustee for the University of Alabama, from the sixth Judicial Circuit:

Isaac H. Erwin being alone in nomination, and receiving eighty-eight votes, was declared duly and constitutionally elected a Trustee of the University of Alabama for and during the term prescribed by law.

The two Houses proceeded first to the election of a Trustee for the University of Alabama, from the seventh Judicial Circuit:

James M. Beckett, being alone in nomination, and receiving eighty-five votes, was declared duly and constitutionally elected a Trustee of the University of Alabama, from the seventh Judicial Circuit, for and during the time prescribed by law.

The two Houses then proceeded to the election of a Trustee for the University of Alabama, from the eighth Judicial Circuit:

Francis Bugbee and *David Shorter* being in nomination.

Mr. Shorter received forty-three votes, and *Mr. Bugbee* fifty-two.

Those who voted for *Mr. Shorter*, are messrs. President, Creagh, Fleming, Foster, McAllister, McConnell, Rodgers, Toulmin, Walker, Walthall and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Bishop, Bridges, Cain, Campbell, Clay, Cochran, Dortch, Dubose, Findley, Garland, Gasque, Harrison, Hill, Hubbard, Jackson, Kendrick, Meriwether, Miree, Morrison, Norman, Pettit, Porter, Skipper, Smith of P.

Tate, Turner, Valliant, Williams of P. Winston of S. and Woodward, of the House.

Those who voted for *Mr. Bugbee*, are messrs. Brindley, Dent, Hudson, King, McClanahan, McVay, Moores, Oliver, Phillips, Ross and Watrous of the Senate; and messrs. Banks, Barclay, Barron, Bothwell, Caffey, Cooper, Crowder, Dear, Douglass, Earle, Erwin, English, Fletcher, Fowler, Harris, Hendrix, Jones of Conecuh, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, Martin, McClung, McMillion, Morgan of A. Morrisett, Murphey, Norris, Oliver, Pickett, Rice, Robinson, Roby, Smith of T. Storrs, Walker, Ware, Watts, Whorton and Witherspoon of the House.

Mr. Bugbee having received a majority of all the votes given, was declared duly and constitutionally elected a Trustee of the University of the State of Alabama, from the eighth Judicial Circuit, for and during the time prescribed by law.

The two Houses then proceeded to the election of a Trustee for the University of Alabama, from the ninth Judicial Circuit:

Lemuel B. Robinson, alone being in nomination, and receiving eighty-five votes, was declared duly and constitutionally elected Trustee of the University of Alabama from the ninth Judicial Circuit, for and during the time prescribed by law.

The two Houses then proceeded to the election of a State Printer.—*Messrs. Phelan & Harris*, being alone in nomination, receiving all the votes cast, were declared duly and constitutionally elected State Printers, for and during the term prescribed by law.

The Senate then returned to its chambers, and Mr. President resumed the Chair.

Joint resolutions in relation to the tariff, were on motion taken from the table.

Mr. Creagh moved to strike out all after the fourth resolution.

Mr. King to postpone the consideration of the joint resolutions until to-morrow, and called for the yeas and nays:

YEAS—messrs. Brindley, Buford, Dent, King, Moores, Oliver, Phillips and Watrous.

NAYS—messrs. President, Baylor, Creagh, Fleming, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Ross, Toulmin, Walker, Walthall and Wilson of J.

So the Senate refused to postpone.

Mr. Walker raised a point of order on Mr. Creagh's motion.

Mr. President declared Mr. Creagh's motion in order.

Mr. Walker appealed from the decision of the chair.

For sustaining the decision of the chair—messrs. President, Baylor, Brindley, Buford, Creagh, Dent, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Oliver, Rodgers, Ross, Toulmin and Wilson of J.

NAYS—messrs. Jones, King, Phillips, Walker and Watrous.

So the decision of the chair was sustained.

The question recurring on Mr. Creagh's motion—the same was carried:

YEAS—messrs. President, Baylor, Buford, Creagh, Dent, Foster, Hudson, McClanahan, McConnell, McVay, Toulmin, Watrous and Wilson of J.

NAYS—messrs. Brindley, Jones, King, McAllister, Oliver, Phillips, Rodgers, Ross and Walker.

So Mr. Creagh's motion was carried.

The joint resolutions and preamble were then adopted.

A message by Mr. Clitherall:

Mr. President—The House of Representatives insists on its disagreement to the amendment of the Senate, to the joint resolutions in relation to biennial sessions, and have appointed messrs. Kennedy of L. McClung, Smith of P. Dunn and Kidd, a committee of conference on the part of the House.

The Senate insisting on its amendments, appointed messrs. Hudson, Jones, Toulmin, King and McClanahan, a committee of conference on the part of the Senate.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed a bill defining the duties of the commissioners of roads and revenue, for the county of Cherokee, and for other purposes.

In which they ask the concurrence of the Senate.

A bill to be entitled an act to define the duties of the commissioners of roads and revenue, for the county of Cherokee, and for other purposes, was read the first time, on motion, the constitutional rule was suspended, the bill was read the second and third times, and passed.

Ordered, that the title remain unchanged.

Mr. Toulmin, from the committee on the State Bank, to which was referred a resolution directing them to inquire into the expediency of causing the State Bank and Branches to resume specie payments by the first day of July, one thousand eight hundred and forty-three, reported that the subject matter of this resolution has been embraced in bills heretofore reported to the Senate; and thereupon ask to be discharged from the further consideration of the same,—committee discharged.

The House resolution, that with the concurrence of the Senate, the two Houses of the General Assembly will adjourn *sine die* on Tuesday the fourteenth of February instant—was adopted.

Mr. Toulmin, from the committee on the State Bank, to which was referred the answer of the Cashier of the Branch of the Bank of the State of Alabama at Mobile, to a resolution of the Senate of the fourteenth January, one thousand eight hundred and forty-three, reported that the subject has received the action of the Senate by the adoption of the joint resolutions in relation to the expense account of the State Bank and Branches, and therefore ask to be discharged from the further consideration of the subject,—committee discharged.

Mr. Toulmin, from the committee on the State Bank, to which was referred so much of the Governor's message as relates to the State Bank and Branches, reported that the committee have heretofore re-

ported to the Senate bills and joint resolutions embracing the subject of reference, and ask to be discharged from the further consideration of the same,—committee discharged.

Mr. Dent moved to reconsider the vote on ordering to a third reading on to-morrow, the bill in relation to compensation of Bank attorneys; which was carried:

On motion, the constitutional rule was suspended, and the bill read the third time, and passed.

Ordered, that the title remain unchanged.

On motion of Mr. Hudson, the standing committees, except the committee on enrolled bills, were discharged.

Mr. Ross reported that the committee on enrolled bills, have examined, and find correctly enrolled:

An act making appropriations for certain persons therein named:

An act to exempt certain property therein named from execution in the several counties of this State:

An act to change the laws now in force relating to the change of venue:

An act to authorize the commissioners court of Butler county to levy an additional tax:

Joint resolutions in relation to the expense account of the Bank of the State of Alabama and its several Branches:

An act to authorize the loan of a portion of the two per cent. fund to the Montgomery and West Point Rail Road Company:

An act to change the direction of the tax fee on suits at the instance of the Bank of the State of Alabama:

An act for the relief of John B. Herron:

Joint resolutions directory to the Secretary of State:

An act for the relief of Ellison Warren:

An act to provide for the election of tax collectors of Cherokee and De Kalb:

An act to require the officers of Marshall county to receive certain claims therein named:

And, an act to make uniform the time of holding the commissioners court in the county of Pickens.

Mr. Buford offered the following protest, which was ordered to be spread upon the journal:

The undersigned, availing ourselves of the constitutional right in this behalf, respectfully protest against the introduction of certain resolutions in relation to assumption of State debts, internal improvements by the General Government, Tariff, National Banks, and other topics of Federal politics, as being ill-timed, calculated to divert attention from important matters of present domestic concernment: and to introduce into our councils the acrimony of party strife, when the utmost harmony and concert of all parties is required to conserve the public interests at home.

While, under ordinary circumstances, we would deem the assumption of the State debts by Congress, in its ordinary legislation, a mea-

sure obviously impolitic, and do not admit its constitutionality, we cannot assent to the resolutions on that point; for if the distribution among the States, of the proceeds of the public lands for the purpose of being applied to their foreign debts, be classed among the indirect modes of assumption by Congress, we are prepared, after full consideration, to pronounce such a measure of indirect assumption, altogether constitutional, expedient and wise; and to urge the State, as she regards her credit, faith, honor, and the welfare of her citizens, to its speedy adoption. Assumption by treaty, to settle a war, induced by repudiation, few would assert to be unconstitutional.

While we assent to those general propositions, that internal improvements by the General Government, are unauthorized by the constitution; yet, we are not at liberty to vote for a resolution of so loose phraseology, and so unusual in its terms, as to deny to the National Government, the powers to establish post roads, or to conduct military operations in times of war, and from the like inattention to terms, the resolution in relation to a National Bank, would deny that Congress has unlimited jurisdiction in the District of Columbia, the which is expressly conferred by the constitution.

J. BUFORD;
SAM'L C. OLIVER,
WM. J. PHILLIPS,
D. WATROUS,
HARRY I. THORNTON,
DENNIS DENT.

February 14th, 1843.

I concur in most of the propositions assumed in this protest; but would go much farther. I believe that the policy and propriety of the States, would be promoted by the assumption, (in some form,) of the debts of the States by the General Government.

WM. B. MOORES.

Mr. Walker moved to reconsider the vote adopting the resolution of the House proposing to adjourn *sine die*, on Tuesday, fourteenth instant; which was carried.

On motion of Mr. Walker, said resolution was amended, by striking out "Tuesday, fourteenth instant," and inserting "Wednesday, fifteenth, twelve o'clock."

Mr. Foster presented the report and map of the commissioners, appointed by the last Legislature, to survey Cherokee county.

Which, on motion of Mr. McVay, was laid on the table.

A message by Mr. Clitherall:

Mr. President—The House of Representatives has passed bills from the Senate:

A bill to incorporate the Dayton Literary Association:

A bill regulating and prescribing the mode of settlement in Orphans courts, by executors, administrators and guardians:

A bill for the relief of Thomas P. Zimmerman and William O. Pollen.

The House has appointed messrs. Hubbard, McClung, Earle, Williams

of P. and Bridges, a committee of conference on the part of the House, to act with the committee on the part of the Senate, on the homestead bill.

The House has also passed a bill to regulate, guard and define the duties of constables, and for other purposes:

A bill to authorize the judge and commissioners of the county court of Conecuh, to purchase a certain lot of land for the use of the county therein named:

A bill to incorporate the Aberfoil Academy, in Macon county:

And also, a bill to authorize William H. Garrett to establish a ferry across Coosa river, in Cherokee county.

In which the concurrence of the Senate is requested.

A bill to authorize William H. Garrett to establish a ferry on Coosa river, in Cherokee county, was read the first time, and the constitutional rule was suspended, and the bill read the second and third times forthwith and passed.

Ordered, that the title remain unchanged.

A bill for the relief of Thomas P. Zimmerman and William O. Pullen, was read the first time, and on motion, the constitutional rule was suspended, the bill read the second and third times, and passed.

Ordered, that the title remain unchanged.

Mr. Walthall made the following report:

The committee on the part of the Senate and House of Representatives, to which was referred a bill, entitled an act to regulate the Bank of the State of Alabama, and for other purposes, which originated in the House of Representatives, and to which the Senate made various amendments, which were not concurred in by the House, and on which disagreement between the two Houses, the committee of conference on the part of each were appointed, recommends that the House shall amend the amendment of the Senate, to the first section of the bill, by striking therefrom the proviso, and inserting the proviso herewith reported, and adopt the same so amended. That the House shall recede from its disagreement to the amendment of the Senate, in the third section, and that the Senate shall recede from the amendment striking out the tenth section of the bill. In all of which your committee ask the concurrence of the Senate.

Proviso offered by the committee:

"Provided, That the Bank of the State of Alabama aforesaid, may purchase bills in settlement or renewal of existing debts; but no note shall be discounted, or bill of exchange purchased, in renewal or settlement of an existing debt, whereby any party to the same shall be discharged; but the same shall be taken as collateral security merely. And provided further, That no proposition for renewal or settlement shall be operative, without the concurrence of the President and all the Directors. And provided further, If any such last mentioned bills shall be returned under protest, they shall be subject, in regard to damages, to the laws in force before the passage of this act."

Which report was concurred in, and the amendments adopted.

A bill to authorize the judge and commissioners of Conecuh county, to purchase a certain lot of land, for the use of the county therein named, was read the first time.

On motion, the constitutional rule was suspended, the bill read the second and third times, and passed.

Ordered, that the title remain unchanged.

A bill to incorporate the Aberfoil Academy, in Macon county, was read the first time.

On motion, the constitutional rule was suspended, the bill read the second and third times, and passed.

Ordered, that the title remain unchanged.

A bill to regulate, to guard and define the duties of constables, and for other purposes, was read the first time.

On motion, the constitutional rule was suspended, the bill read the second and third times forthwith, and passed.

Ordered, that the title remain unchanged.

Mr. Hudson, from the committee of conference, made the following report:

The committee of conference appointed on the part of the Senate, to confer with a corresponding committee on the part of the House, on the subject of the disagreement between the two Houses, in relation to the joint resolutions proposing a change in the Constitution, so as to legalize biennial sessions, and a reduction of the members of the State Legislature, have accordingly met the said committee of the House, and after due consideration, have instructed me to report, that the committee of conference have agreed to strike out all of the Senate's amendments, except the last in relation to printing, and insert in lieu thereof, the following amendment, viz: add at the end of the third section of the resolutions, this additional amendment to the Constitution of the State—and strike out "one-third," where it occurs in the seventh line of article three, and section ten, and insert in lieu thereof, the words "two-fifths." Strike out "twenty-five," where it occurs in the tenth section of the resolutions, and insert in lieu thereof, "thirty."

On concurring in the report of the committee:

YEAS—messrs. Buford, Hudson, King, McConnell, McVay, Phillips, Ross, Watrous and Wilson of J.

NAYS—Messrs. President, Baylor, Brindley, Creagh, Dent, Foster, McClanahan, Moores, Rodgers, Thornton, Toulmin, Walker and Walshall.

So the report was concurred in.

On motion of Mr. Hudson, the resolution of the House proposing that the two Houses will assemble in the Hall of the House of Representatives, this evening, Tuesday, fourteenth inst., at three o'clock, P. M., for the purpose of electing a President and six Directors, for the Bank of the State of Alabama, was postponed, until three o'clock, this evening.

A message by Mr. Harrison:

Mr. President—His Excellency, the Governor, has approved bills of the following titles, to wit:

An act for the relief of Henry Lawrence:

An act amendatory of an act, entitled an act, for the better regulating the State printing, and altering the mode of paying for the same:

An act to require an extra term of the chancery court, to be held for Sumter county:

An act for the relief of John Baird:

An act to confirm the emancipation of a certain slave therein named:

And an act to authorize the loan of a portion of the two per cent. fund to the Montgomery and West Point Rail Road Company.

An act for the relief of Ellison Warren:

An act for the relief of John B. Herron:

An act to make uniform the time of holding the commissioners' court in the county of Pickens:

An act to provide for the election of tax collector for the counties of Cherokee and De Kalb.

An act changing the direction of the tax fees on suits at the instance of the Banks of this State:

An act to require the county officers of Marshall county to receive certain claims therein named:

Joint resolutions directory to the Secretary of State:

Which bills originated in the Senate.

Message by Mr. Clitherall:

Mr. President—The House of Representatives concurs in the report of the committees of conference on the bill to regulate the Bank of the State of Alabama and for other purposes.

Mr. Ross reported that the committee on enrolled bills have examined, and find correctly enrolled:

An act for the relief of James M. Young:

An act to incorporate the town of Greenville, in the county of Butler:

An act to incorporate the Alabama Military and Scientific Institution:

An act to confirm the emancipation of certain slaves therein named:

An act to incorporate the Fire Department of Mobile:

An act to incorporate the Mobile Navigation and Insurance Company:

An act to incorporate the Trustees of the Carrollton Academy, in the county of Pickens:

An act to authorize Alexander White, administrator, and Sarah White, administratrix, to sell real estate of J. White, to satisfy debts of said estate:

An act to confer certain powers upon the mayor of Tuscaloosa:

And joint resolutions and memorial, in regard to the Muscle Shoals canal, in the county of Lauderdale:

Mr. Jones, from the committee of conference on the part of the Senate, to whom was referred certain matters of difference between the two Houses on a bill to be entitled an act to exempt real estate not exceeding forty acres, from execution upon contracts hereafter made, reported the following in lieu of the amendment of the Senate, in which the committee on the part of the House have concurred:

“That in addition to the property now exempt by law from execution for the use of every family in this State, upon all debts hereafter to be contracted, forty acres of land, for the purposes of cultivation, not to exceed in value four hundred dollars, to be valued by three disinterested free-

holders, to be summoned by the sheriff, for that purpose, in cases of a levy, shall be and enure to the use and benefit of permanent and settled families: *Provided*, that nothing herein contained, shall be construed to extend to, or embrace any lands within the corporate limits of any town, or city in this State.

2. *And be it further enacted*, That when any homestead shall be sold by the owner, it shall be subject to the payment of every judgment against him or her at the time of said sale."

Which report was concurred in.

Message by Mr. Clitherall:

Mr. President—The House concurs in the report of the committee of conference on the joint resolution in relation to biennial sessions of the legislature and the reduction of the members thereof.

On motion of Mr. Moores, the message was laid on the table.

Mr. Ross, from the committee on enrolled bills, reported, that they have examined and find correctly enrolled:

An act to make appropriations for the payment of claims against the State:

An act for the relief of Thos. P. Zimmerman and Wm. O. Pullen:

An act to authorize the levying of a special tax to build a jail house, in the county of Barbour:

An act to attach a part of the county of Pickens to the county of Greene:

An act to divorce Thos. Downing from his wife, Sarah Downing:

An act for the relief of Davis E. Gresham and William Joiner:

Joint resolutions on the assumption of State debts by the General Government, and against the repudiation of State debts:

An act to incorporate the Dayton Literary Association:

An act to establish lost records in Henry county:

An act for the relief of Joseph Elliott of Walker county, and William Jones of Jackson county:

An act for the relief of Thomas Stringer, of Mobile:

An act to fix, regulate and reduce the fees and salaries of certain officers therein named:

An act for the relief of the tax collector of Dale county, for the year eighteen hundred and forty-one:

An act to repeal in part a certain act therein named:

An act to repeal in part an act for the relief of tales jurors in the county of St. Clair and other counties therein named, approved December twentieth, eighteen hundred and forty-one:

An act to fix the compensation of the judge of the county court of Mobile county:

An act to alter the times of holding certain courts therein named:

An act to alter the mode of assessing and collecting the taxes in Pike county:

An act to amend an act to incorporate the town of Auburn, in the county of Macon:

An act for the relief of the tax collector of Covington county.

A message by Mr. Phelan:

Mr. President—The House has passed a bill to authorize the signing and sealing of bills of exception in criminal cases:

A bill to be entitled an act to authorize the signing and sealing of bills of exception in criminal cases, was read the first time.

On motion, the constitutional rule was suspended, the bill read the second and third times, and passed.

Ordered, that the title remain unchanged.

Joint resolutions concerning the salt springs and wells belonging to the State of Alabama, in the county of Clarke, was read the first time, the constitutional rule dispensed with, read the second and third times, and passed.

Ordered, that the title remain unchanged.

A message by Mr. Clitherall:

Mr. President—The House insists on its disagreement to the amendments of the Senate, to the bill to reduce the compensation of the members of the General Assembly, and the officers thereof, and have appointed Messrs. Bridges, Hubbard, McClung, Douglass and Findley, a committee of conference on the part of the House.

The House concurs in the report of the committee of conference on the homestead bill.

Mr. Hudson moved to insist on the amendments; and Messrs. Hudson, Jones, McClanahan, Wilson of J. and Fleming, were appointed a committee of conference on the part of the Senate.

On motion, the Senate adjourned until seven o'clock, this evening.

EVENING SESSION.

Pursuant to adjournment, the Senate met at seven o'clock, and proceeded to the consideration of the resolution offered by Mr. Dent, in relation to the election of a President and Directors of the Bank of the State of Alabama.

On motion of Mr. Phillips, the resolution was amended, by striking out "three o'clock," and inserting "eight o'clock."

On motion of Mr. Dent, the resolution was further amended, by adding, "also, the members of the Tuscaloosa Medical Board."

The resolution, thus amended, was adopted.

A message by Mr. Phelan:

Mr. President—The House of Representatives concurs in the amendment of the Senate to the resolution of the House, proposing to adjourn *in die* on the fourteenth instant.

A message by Mr. Garrett:

Mr. President—His Excellency the Governor has approved bills of the following titles:

An act to establish lost records in Henry county:

An act in relation to the administrator and administratrix of John White, deceased:

An act to incorporate the Mobile Navigation and Insurance Company:

An act to incorporate the Dayton Literary Association:

An act to incorporate the Fire Department Association of Mobile:

An act to incorporate the Trustees of the Carrollton Academy, in the county of Pickens:

An act to confer certain powers upon the mayor of the city of Tuscaloosa:

And an act regulating and prescribing the mode of settlements in Orphans' courts, by executors, administrators and guardians:

Which bills originated in the Senate.

The following communication was received, by Mr. Garrett:

EXECUTIVE DEPARTMENT, }

TUSCALOOSA, February 14th, 1843. }

Gentlemen of the Senate and House of Representatives:

In pursuance of the provisions of an act to regulate the Bank of the State of Alabama, and for other purposes, approved February fourteenth, one thousand eight hundred and forty-three, I have the honor to nominate the following gentlemen—*William G. Parish, James Guild, Robert Ellyson, James H. Dearing, James Hogan Joel White and A. V. Brumby*, as fit persons to be voted for as Directors of the Bank of the State of Alabama, for the year one thousand eight hundred and forty-three.

(Signed,)

BEN. FITZPATRICK.

A message by Mr. Phelan:

Mr. President—The House of Representatives concurs in the resolution of the Senate to go into the election of a President and six Directors for the State Bank, and two members of the Medical Board of Tuscaloosa, and I am instructed now to invite your honorable body into the hall of the House for that purpose.

Whereupon the Senate forthwith repaired to the hall of the House, and Mr. President announced the object of their assembling.

The two Houses first proceeded to the election of a President for the State Bank.

Mr. Dent nominated *Dr. John Marrast*, and in conformity to law, submitted the following statement:

We the undersigned, in regard to the liabilities of John Marrast, make the following statement—John Marrast is liable as principal to the Bank of the State of Alabama, for the sum of three thousand and fifty-eight dollars; he is not liable in any other sum either as principal or security, directly or indirectly, either to the Bank of the State of Alabama or either of its Branches. John Marrast is not under protest and has not been.

(Signed,)

DENNIS DENT,

Of the Senate.

BENJ. F. PORTER,

MARION BANKS,

WILLIAM R. SMITH,

WM. P. MERIWETHER

Of the House of Representative

John Marrast, alone being in nomination, received all the votes cast was declared by Mr. Speaker duly and constitutionally elected President of the Bank of the State of Alabama, for and during the term prescribed by the Constitution.

The two Houses then proceeded to the election of six Directors for the State Bank.

Messrs. Ellyson, White, Guild, Dearing, Hogan, Parish and Brumby having been nominated by the Governor.

Those who voted for *Mr. Brumby*, are messrs. Baylor, Brindley, Buford, Dent, McAllister, McConnell, Moores, Phillips, Thornton, Walthall and Watrous of the Senate; and messrs. Abernathy, Barron, Bishop, Campbell, Cochran, Cooper, Crowder, Dear, Dunn, Earle, Erwin, Fowler, Garland, Harrison, Jones of Conecuh, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, Martin, McClung, McCoy, Miree, Murphey, Norman, Norris, Oliver, Roby, Smith of T. Storrs, Tate, Valliant, Ware, Watts, Witherspoon and Woodward of the House.

Those who voted for *Mr. Dearing*, are messrs. President, Baylor, Brindley, Buford, Creagh, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Phillips, Rodgers, Ross, Thornton, Toulmin, Walthall, Watrous and Wilson of J. of the Senate; and messrs. Speaker, Banks, Barclay, Barron, Bothwell, Bridges, Cain, Campbell, Cooper, Dear, Douglass, Dubose, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jackson, Jones of G. Kennedy of L. Kennedy of M. Martin, McClung, McCoy, McMillion, Meriwether, Miree, Mundy, Murphey, Norman, Norris, Oliver, Porter, Rice, Richeson, Robinson, Smith of T. Storrs, Valliant, Walker, Whorton, Williams of P. Witherspoon and Woodward of the House.

Those who voted for *Mr. Guild*, are Messrs. President, Baylor, Buford, Creagh, Dent, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walthall, Watrous and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Barclay, Banks, Barron, Bishop, Bothwell, Bridges, Cain, Campbell, Cooper, Crowder, Dear, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, McClung, McCoy, McMillion, Meriwether, Miree, Mundy, Murphey, Norman, Norris, Oliver, Porter, Rice, Richeson, Robinson, Roby, Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of P. Witherspoon and Woodward of the House.

Those who voted for *Mr. Hogan*, are Messrs. President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Watrous and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bothwell, Bridges, Cain, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Garland, Gasque, Hendrix, Hill, Hubbard, Jackson, Jones of Conecuh, Jones of Cov. Kennedy of M. Kidd, Martin, McClung, McCoy, McMillion, Meriwether, Miree, Mundy, Norman, Norris, Oliver, Porter, Rice, Richeson, Robinson, Roby, Storrs, Tate, Walker, Ware, Valliant, Watts, Whorton, Williams of P. and Witherspoon of the House.

Those who voted for *Mr. Ellyson*, are Messrs. President, Baylor, Brindley, Creagh, Dent, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walthall and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bothwell, Bridges, Cain, Campbell, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jackson, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, Martin, McCoy, McMillion, Meriwether, Miree, Mundy, Murphey, Norman, Norris, Oliver, Porter, Rice, Richeson, Robinson, Roby, Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of P. Witherspoon and Woodward, of the House.

Those who voted for *Mr. Parish*, are messrs. President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Jones, McAllister, McClanahan, McVay, Oliver, Phillips, Rodgers, Ross, Toulmin, Watrous and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Bishop, Bothwell, Bridges, Cain, Campbell, Cochran, Crowder, Douglass, Dubose, Dunn, English, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Hubbard, Jackson, Jones of Cov. Kennedy of L. Kidd, Martin, McClung, McMillion, Meriwether, Mundy, Murphy, Norman, Porter, Rice, Richeson, Robinson, Roby, Smith of T. Tate, Walker, Ware, Watts, Whorton, Williams of P. and Woodward, of the House.

Those who voted for *Mr. White*, are messrs. President, Brindley, Buford, Creagh, Dent, Hudson, Jones, McClanahan, McConnell, McVay, Moores, Oliver, Phillips, Rodgers, Ross, Thornton, Toulmin, Walthall, Watrous and Wilson of J. of the Senate; messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bishop, Bothwell, Bridges, Cain, Campbell, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Gasque, Harrison, Hendrix, Hill, Hubbard, Jackson, Jones of Cov. Jones of G. Kennedy of L. Kennedy of M. Kidd, Martin, McClung, McCoy, McMillion, Meriwether, Miree, Mundy, Murphey, Norris, Oliver, Porter, Rice, Richeson, Robinson, Roby, Smith of T. Storrs, Tate, Valliant, Walker, Ware, Watts, Whorton, Williams of P. Witherspoon and Woodward of the House.

Messrs. *Ellyson*, *White*, *Guild*, *Hogan*, *Dearing* and *Parish*, having severally received the highest number and a majority of all the votes given, were declared by Mr. Speaker duly and constitutionally elected Directors of the Bank of the State of Alabama, for and during the term prescribed by law.

The two Houses next proceeded to the election of two members of the Tuscaloosa, Medical Board:

Messrs. *William S. Taylor*, *Reuben Searcy* and *William J. Hays*, were put nomination:

Those who voted for *Mr. Hays*, are messrs. Dent, Moores, Phillips, Thornton and Walthall of the Senate; and messrs. Banks, Crowder, English, Fletcher, Fowler, Hendrix, Kennedy of M. Meriwether, Oliver, Porter, Robinson, Smith of T. and Watts, of the House.

Those who voted for *Mr. Taylor*, are messrs President, Baylor, Brindley, Creagh, Dent, Hudson, McClanahan, McConnell, McVay, Moores, Phillips, Toulmin and Wilson of J. of the Senate; messrs. Speaker, Abernathy, Barclay, Barron, Bothwell, Bridges, Campbell, Cochran, Cooper, Crowder, Dear, Douglass, Dubose, Dunn, Earle, English, Erwin, Findley, Fletcher, Fowler, Garland, Gasque, Harrison, Hendrix, Hill, Jackson, Jones of G. Kennedy of L. McClung, McCoy, McMillion, Miree, Mundy, Murphey, Norman, Norris, Oliver, Richeson, Robinson, Roby, Storrs, Valliant, Ware, Whorton, Williams of P. Witherspoon and Woodward of the House.

Those who voted for *Mr. Searcy*, are messrs. President, Baylor, Brindley, Creagh, Hudson, McClanahan, McConnell, McVay, Thornton, Toulmin, Walthall and Wilson of J. of the Senate; and messrs. Speaker, Abernathy, Banks, Barclay, Barron, Bothwell, Bridges, Campbell, Cochran, Cooper, Dear, Douglass, Dubose, Dunn, Earle, Erwin, Findley, Garland, Gasque, Harrison, Hill, Jackson, Jones of G. Kennedy of L. Kennedy of M. Martin, McClung, McCoy, McMillion, Meriwether, Miree, Mundy, Murphey, Norman, Norris, Porter, Richeson, Robinson, Roby, Smith of T. Storrs, Valliant, Ware, Watts, Whorton, Williams of P. Witherspoon and Woodward of the House.

Messrs. Taylor and Searcy, having received the highest vote, and a majority of all the votes given, Mr. Speaker declared them duly and constitutionally elected members of the Tuscaloosa Medical Board, for and during the time prescribed by law.

The Senate then returned to its chamber, and Mr. President resumed the Chair.

Mr. Ross reported, that the committee on enrolled bills have examined and find correctly enrolled—

An act to amend an act for the permanent location of the seat of justice in Covington county, and for other purposes:

An act for the relief of R. Bullock and James Haise, of Sumter county:

An act explanatory of an act to raise a revenue for the support of the State Government, and for other purposes, passed thirteenth February, eighteen hundred and forty-three:

An act defining the duties of the commissioners of roads and revenue for the county of Cherokee, and for other purposes:

Report of the committee on federal relations, in regard to the controversy between New York and Virginia:

An act regulating and prescribing the mode of settlement in Orphans' courts by executors, administrators and guardians:

And, an act to regulate the Bank of the State of Alabama, and for other purposes.

On motion, the Senate adjourned until to-morrow morning, at ten o'clock.

WEDNESDAY, February 15th, 1843.

The Senate met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Hudson made the following report:

The committee of conference on the part of the Senate, met the committee on the part of the House, on the disagreement between the two Houses, on the bill from the House to be entitled an act to reduce the per diem pay of the members of the General Assembly, and for other purposes; and after fully considering the subject before them, were unable to adjust the matter satisfactorily to both Houses, and therefore instructed me to report the disagreement to the Senate, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Ross reported, that the committee on enrolled bills, have examined and find correctly enrolled—

An act to abolish certain election precincts therein named, and for the establishment of others in lieu thereof, in the counties of Dale and Coffee:

An act to incorporate the Aberfoil Academy, in Macon county:

An act to exempt from and after the fourth day of July, eighteen hundred and forty-three, real estate not exceeding forty acres, from execution, upon contracts hereafter made:

An act to regulate and define the duties and liabilities of constables, and for other purposes:

An act to provide for the distribution of certain documents among the several counties of this State:

An act to authorize William H. Garrett to establish a ferry on Coosa river, in Cherokee county:

An act to establish and abolish certain election precincts, and for other purposes:

An act to amend the laws for the creation of a school fund for the county of Mobile:

An act to incorporate the Pleasant Ridge Academy, in the county of Wilcox:

And an act to authorize the judge and commissioners of Canebrake county to purchase a certain lot of land.

Mr. McVay offered the following resolution:

Resolved, That a committee, to consist of three members, be appointed on the part of the Senate, to act jointly with such committee as, or may be, appointed on the part of the House of Representatives, to wait on His Excellency the Governor, and inform him that the two Houses of the General Assembly have completed the business before them, and are now ready to adjourn *sine die*, if he has no further communication to make to them.

Which was adopted.

Whereupon, messrs. McVay, McClanahan and Fleming, were appointed said committee.

A message, by Mr. Clitherall:

Mr. President—The House of Representatives concurs in the resolu-

tion of the Senate, proposing to appoint a joint committee, to wait upon His Excellency the Governor, and inform him that the two Houses are now ready to adjourn *sine die*, if he has no further communication to make to them, and have appointed messrs. Rice, Douglass and Kidd, a committee on the part of the House.

Mr. McClanahan made the following report:

Mr. President—The joint committee of the two Houses, appointed to wait on the Governor, and inform him that their respective Houses had completed the business before them, and were ready to adjourn *sine die*, if he had no further communication to make to them, report that they have performed that duty, and received for answer, that he has no further communication to make.

Mr. McVay offered the following resolution:

Resolved, That the Secretary of the Senate be requested to inform the House of Representatives, that the Senate have finished the business before them, and are ready to adjourn, *sine die*.

Mr. Hudson offered the following resolution:

Resolved, That the thanks of the Senate be cordially tendered to the Hon. NATHANIEL TERRY, for the dignified and impartial manner in which he has presided over this body, during its present session: To have discharged the duties of the Chair, during so long and so important a session—one in which so much was transacted, that was calculated to excite the deepest emotions, required that union of good sense and good feeling, which so strikingly characterize his course as a presiding officer.

Which was unanimously adopted.

Mr. McVay then moved that the Senate now adjourn, *sine die*.

Whereupon, the Honorable President returned his thanks in a few pertinent and feeling remarks, for the flattering and kindly sentiments embodied in the resolution of the Senate, and expressed his acknowledgments to the Senate for their cordial co-operation in the discharge of the duties of his office; and his ever-to-be-remembered gratitude, for the consideration shown to himself. "And," he added, "it would be violating my own feelings, and the merits of those gentlemen, were I to close these remarks, without bearing my willing testimony to the zeal and ability with which the worthy Secretary of the Senate, and the Doorkeeper, have discharged their various duties, throughout this long and laborious session, for which they deserve much credit, and the thanks of myself individually, as well as of the Senate collectively."

Mr. President then pronounced the Senate adjourned, *sine die*.

NATHANIEL TERRY,
President of the Senate.

Attest:

GEO. B. CLITHERAIL, Secretary of the Senate.